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S E N A T E,

AT THE

FIRST SESSION

OF THE

EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

**BEGUN AND HELD AT KNOXVILLE, ON
MONDAY, THE EIGHTEENTH DAY
OF SEPTEMBER, ONE THOU-**

SAND EIGHT HUN-

DRED AND

NINE.

**KNOXVILLE, PRINTED BY GEORGE WILSON,
PRINTER TO THE STATE.**

1809.

TENNESSEE STATE LIBRARY



JOURNAL

OF THE

S E N A T E.

AT a meeting of the General Assembly of the State of Tennessee, in Knoxville, on Monday, the eighteenth of September, one thousand eight hundred and nine, being the first session of the Eighth General Assembly of the said State; the following gentlemen, members of the senate, appeared, produced their credentials, were qualified, and took their seats.

From the counties of

Roane, Rhea, Anderson,

Bledsoe and part of Campbell,

Davidson,

Greene,

Grainger and Claiborne,

Sumner and Wilson,

Jefferson and Cocke,

Smith, Jackson, Overton,

White, Warren and Franklin,

Williamson, Rutherford,

Mauzy and Bedford,

Sullivan and Hawkins,

Robertson, Montgomery,

Stewart, Dickson and

Hickman,

Sevier and Blount,

Washington and Carter,

} William Brown.

Robert C. Foster.

John Harmon.

Thomas Henderson.

John Dew.

Baldwin Harle.

} Thomas K. Harris.

} Thomas H. Benton.

Joseph M' Minn.

} John Shelby.

James P. H. Porter.

Matthew Stephenson.

The house then proceeded to ballot for a speaker, whereupon *Joseph M' Minn, esquire,* was unanimously appointed, and was conducted to the chair accordingly.

The following address of the speaker to the house was presented by him, read at the clerk's table, and ordered to be entered on the journal, to wit:

—4—

Gentlemen of the Senate,

Permit me to tender you my warmest acknowledgments, for the unanimous and honorable confidence you repose in me—and rest assured, that my entire wish will be gratified, if the duties you have assigned me, should be so conducted as to equal your expectations. But in order, gentlemen, to obtain this happy reflection, I beg leave to solicit your friendly interposition on all suitable and necessary occasions.

The house then proceeded to ballot for a principal clerk. Joseph M. Anderson and Joseph H. Mendon having been put in nomination as candidates, Messrs. Foster and Porter superintended the balloting, and on counting the votes, it was found that Joseph M. Anderson was duly elected, and was then qualified accordingly. The house then proceeded to ballot for an assistant clerk. Luke Lee was put in nomination, and on counting the votes, it appeared that he was unanimously elected, and was qualified accordingly. The house then proceeded to ballot for a door-keeper, John Barry, John Gould, John Bright and Abner Witt having been put in nomination, and on counting the votes, it appeared that John Gould had three, John Bright four and Abner Witt five votes. Neither having a majority of the whole house, a second ballot took place, and it was found that each candidate had the same number of votes as above. The name of John Gould was then withdrawn, and a third ballot took place, whereupon, John Bright was elected, having seven votes, and Abner Witt but five.

A message was then sent to the House of Representatives, informing them of the above named appointments of speaker, clerks and doorkeeper, and that the Senate was then ready to proceed to business.

Received from the House of Representatives, a message informing this house that they had convened, chosen Joseph Dickson, esq. speaker, Jacob Peck principal clerk, Anderson M. Nelson assistant clerk, and John Rhea doorkeeper, and were also ready to proceed to business.

On motion, Messrs. Foster, Benton and Porter were appointed a committee to draw up rules for the government of this house.

A message was sent to the House of Representatives, informing them that this house had appointed Messrs. Foster and Porter on its part, to wait on his excellency the governor, and inform him that the general assembly have convened, and are ready to receive any communications he may think proper to make. An answer of concurrence to the above message was received from the House of Representatives, and naming Messrs. Tipton, Cocke, Williamson and Smith a committee on their part, to act with the above named gentlemen on the part of this house.

A message was sent to the House of Representatives, proposing to meet that house in the representatives chamber tomorrow, at two o'clock, P. M. for the purpose of counting the votes for governor of this state, in answer to which a message of concurrence was received from the House of Representatives.

A message was sent to the House of Representatives informing them that the following named gentlemen were appointed on the part of this house, on the following committees to act with such gentlemen as the House of Representatives should think proper to appoint, to wit: Messrs. Harle, Benton, Harris and Brewa, a committee of finance. Messrs. Porter, Shelby, Stephenson and Henderson, a committee of propositions and grievances. Messrs. Foster, Dew and Harmon, a committee of claims, and Mr. Benton a committee of engrossed bills.

Received from the House of Representatives a message, concurring with the above, and informing this house that they had appointed the following gentlemen on their part to act with the gentlemen on the part of this house, to wit: Messrs. Cocke, M'Campbell, Williamson and Gordon, a committee of finance. Messrs. Lowry, Coleman, Friserson and Johnston a committee of propositions and grievances. Messrs. Lillard, Barton, Hawkins and Crawford, a committee of claims, and Messrs. Tipton and Johnston, a committee of enrollments.

Mr. Foster introduced a resolution that the door-keeper furnish the necessary tables and chairs for the use of the Senate chamber, and that he be allowed compensation therefor, which was read and adopted.

Also, a bill to alter the time of holding elections in the corporation of the town of Nashville, which was read the

first time, passed, and sent to the House of Representatives.

Received from the House of Representatives, the memorial of John F. Jack, relative to his having been bound in recognizance for a certain Thomas Plummer. Also the petition of Nathaniel Murfey, concerning the emancipation of a negro man named Sam, which were severally read, and referred to the committee of propositions and grievances.

Received from the House of Representatives a message, informing this House that they had appointed Messrs. Young, Crawford, Lillard and Lowry, a committee of revision and unfinished business, to act with such gentlemen as this House should think proper to appoint, which was concurred with. Messrs. Foster and Brown appointed a committee on the part of this House, to act with the above named gentlemen, and a message sent informing the House of Representatives thereof.

On motion of Mr. Porter, the following resolution was read and adopted, to wit:

Resolved, That it shall be the duty of the Speaker to direct the clerk to read all papers that are submitted to this House, except such returns as may be submitted by the different officers of the state, between the state and their respective officers, which returns shall be entered on the journal in such a manner as will fully identify them, as well as to what committee they are referred, and by whom they are presented.

Mr. Foster presented the returns of the amount of taxes on suits at law, in the Superior Courts of Mero District, for the year 1807 and 1808. Also the amount of taxes for Davidson county, for the years 1807 and 1808.

Mr. Benton presented the return of the amount of taxes on law suits for Williamson county, for the year 1807 and 1808.

Mr. Brown presented the amount of taxes on land for Roane county, for the year 1808: Also the amount of taxes on on law suits, ordinary licences, registering grants, &c. for the year 1807 and 1808.

Mr. Shelby presented the returns of the amount of taxes for the counties of Sumner, Dixon, Stewart and Montgomery, for the years 1807 and 1808, which returns were se-

verally referred to the committee of Finance, and sent to the House of Representatives.

Mr. Harris presented the memorial of William Moore, requesting the Legislature to appoint him public printer, &c. which was read, and on motion, ordered to be laid under the table.

The house adjourned until to-morrow, ten o'clock.

Tuesday, September 19, 1809.

The House met according to adjournment.

Received from the House of Representatives, the petition of William Doherty, praying that the General Assembly will emancipate his servant Lewis Carter, a man of colour, and that he may be privileged by law to prove his accounts.

Also, the petition of Elihu Embree, praying to be annexed to Carter county. Also, the petitions of John B. Cross, Sheriff of Overton county, and Robert Armstrong, concerning public tax.

Also, a petition of the citizens of Washington county, praying the General Assembly to pass a law to authorize Cassar Linn, a man of color, to prove his accounts, which was severally read and referred to the committee of Propositions and Grievances.

Mr. Foster, from the committee appointed to draw up rules of decorum for the regulation of this House, reported the following in addition to the fourteen adopted by this House in 1807.

15th. That if any member shall be twice absent in succession, at the meeting of the House on its stated adjournments, it shall be the duty of the Speaker to reprove such member in the presence of the House, for the negligence of which he has been guilty.

16th. That when any member designs calling for the yeas and nays on any question about to be taken, it shall be the duty of such member to give notice of such intention to the house, before the vote is taken.

17th. When the vote of this House is taken on any question before the house, those in favor of the question shall express their assent by rising.

18th. All bills withdrawn for amendment or otherwise, shall be returned within two days.

The rules adopted by this House in 1807, are as follow, to wit:

1st. When the Speaker is in the Chair, every member may sit with his head covered.

2d. Every member shall come into the House with his head uncovered, and continue so at all times but when he sits in his seat.

3rd. The Speaker having taken the Chair, and two-thirds of the members being present, the clerk shall read the journal of the preceeding day, in order that any mistake may be corrected that may have been made in the entry.

4th. Whilst the journal or other public papers are reading, and when any member is speaking, there shall be no interruption, nor shall the members read any public papers, but the attention of each member is expected.

5th. Every member when he speaks, shall, standing in his place, address himself to the speaker or chairman, as the case may be, who shall give his attention by naming the member.

6th. When any motion shall be before the house, and not properly understood, the speaker may explain, but shall not attempt in any such explanation to sway the house by argument or debate.

7th. If two or more members rise to speak at the same time, the speaker shall determine who shall speak first.

8th. The Speaker, with leave of the House, shall have privilege to speak on any subject, proposed agreeable to the rules established by this house, provided he speaks before the arguments have gone through.

9th. A member digressing from the subject, or using any personal observation or reflections, may be called to order by the speaker, chairman, or any member of the house.

10th. All motions to be committed to writing and seconded, before the same can be considered in possession of the House, except a motion of course.

11th. No member shall speak more than twice without leave of the house, to the same subject, unless in a committee of the whole.

12th. When a question is before the house, no motion shall be received unless for amendment for the previous question, or to commit or to adjourn.

13. No member shall depart the house without leave.

14 h. No member shall pass between one member when speaking and the speaker.

Received from the house of representatives a list of the taxable property in the county of Sullivan, for the year 1802, which was referred to the committee of finance, as by the house of representatives.

A bill after the time of holding elections in the corporation of the town of Nashville, was read the second time, passed, and sent to the House of Representatives.

Received from the house of representatives a message, accompanied by a resolution, that Messrs. Coleman, Cocke, Lowry, McCampbell, Hawkins, Smith, Frieron and Taylor, be a committee on their part to take into consideration what alterations or amendments are necessary in the Judiciary System of this state, and have leave to report by bill or otherwise, and asking the concurrence of this house, which was concurred with. Messrs. Benton, Harris, Porter, Foster and Stevenson, appointed a committee on the part of this house, and a message sent informing the house of Representatives thereof.

Mr. Foster introduced a resolution that the Secretary be requested to furnish this General Assembly with such laws of the United States, the sister states, and this state, as may be deposited in his office, which resolution was read and adopted, and a message sent to the House of Representatives informing them thereof, and asking their concurrence. In answer to which a message of concurrence was received from the House of Representatives.

Received from the House of Representatives a message accompanied by a resolution that Messrs. Taylor, Lacy, McCampbell, Seahorn, Smith, Williamson, Cocke and Frieron, be a committee on their part, to act with a committee on the part of this house, to enquire whether any, and if any, what alterations are necessary to be made in the land laws of this state; and that the committee have leave to report by bill or otherwise. Which was concurred with by this house, Messrs. Dew, Benton, Porter, Foster and Harle appointed a committee to act with the gentlemen on the part of the House of Representatives, and a message sent informing the House of Representatives thereof.

A message was sent to the House of Representatives, informing them that the Senate had adopted a resolution that a committee be appointed to enquire whether any, and if any, what amendments are necessary to be made in the militia laws of this state, and that they report by bill or otherwise, and naming Messrs. Harries, Shelby and Henderson a committee on the part of this house to act with such gentlemen as they might think proper to appoint. A message was received from the House of Representatives concurring with the above message of this house; and naming Messrs. Cocke, Tipton, Taylor, Williamson, Lillard and Smith on their part to act with the gentlemen by this house appointed.

Mr. Foster presented the memorial of Thomas G. Bradford, proposing to sell to the state, a revival of the laws of North Carolina and Tennessee, which was referred to a select committee. Messrs. Benton, Porter and Brown were appointed on the part of this house, and a message was sent to the House of Representatives informing them thereof, and asking their concurrence. A message of concurrence was received from the House of Representatives, and stating that they had appointed Messrs. Williamson, Barton, Graham, Johnson, Crawford and Hannah a committee on their part, to act with the gentlemen on the part of the Senate.

Mr. Foster presented the petition of Edward D. Hobbs jailer of Nashville, stating the deficiency of the law relative to prisoners, &c.

Also, a petition of sundry citizens of Merio, praying this General Assembly to pass a law to prevent the drawing of private lotteries.

Also, the petition of Edmund Blackman, praying compensation for a negro man slave the property of said Blackman, which was executed.

Mr. Shelby presented the petition of John R. McFarland and James M. Reynolds, praying compensation for their negro man slave who was executed at Clarksville.

Received from the House of Representatives, a petition of the inhabitants of Stewart county, praying for a new county.

Mr. Foster presented the petition of Polly Bateman,

praying to be divorced from her husband, Henry Bate-
man.

Mr. Shelby presented the petition of Sophia Reynolds, praying to be divorced from her husband Amos Reynolds, which were severally read, and referred to the committee of propositions and grievances.

Mr. Shelby presented the petition of Jesse Craft, praying to be divorced from his wife Rebecca Craft, which was read, and on motion, ordered to be laid under the table.

On motion of Mr. Benton, a resolution, that a committee of three members of this house be appointed to act with such members of a joint committee to be appointed by the House of Representatives, to enquire if any, and if any, what alteration is necessary to be made in the present mode of trying slaves, when the lives of the said slaves may be affected by the decision of the charge whereof they may stand implicated—and also what amendments, if any, are necessary to be made to the existing laws of this state, relative to the emancipation of slaves, and the regulation of free negroes in this state, with leave to report by bill or otherwise. A message was sent to the House of Representatives informing them thereof, and naming Messrs. Porter, Benton and Shelby on the part of this house, to act with such gentlemen as that house should think proper to appoint. In answer to the above message, a message of concurrence was received from the House of Representatives, and naming Messrs. Young, Frazier, Phagan, Crawford, Johnson and Fentress, a committee on their part, to act with the gentlemen appointed by this house.

A message was sent to the House of Representatives, proposing to appoint a committee to wait on his excellency the governor elect, and inform him of his election, and to know of him at what time he would wish to be installed, and naming Messrs. Shelby and Henderson a committee on the part of this house, to act with such gentlemen as the House of Representatives should think proper to appoint, and asking their concurrence. In answer to which, a message of concurrence was received from the House of Representatives, and naming Messrs. Tipton, Cocke, Lowry and Lacey to act with the gentlemen by this house appointed.

On motion of Mr. Foster, a resolution was read and adopted that the clerk be directed to copy the rules of de-

coram for the government of this house, in a large legible hand and affix the same in some conspicuous part of the senate chamber.

Mr. Foster presented the petition of sundry citizens of Mero district concerning the impropriety of granting appeals in some cases, which was read and referred to the committee who have under consideration the judiciary system of this state.

On motion of Mr. Brown, the following resolution was read and adopted, to wit:

Resolved, that this house appoint a committee to act with such gentlemen as the house of representatives may think proper to appoint on their part to contract for the public printing during the present session. A message was sent to the house of representatives informing them of the above resolution, and naming Mr. Porter on the part of this house, as a committee to act with such gentlemen as the house of representatives may think proper to appoint.

Mr. Harris presented the petition of the citizens of Franklin praying an alteration in the judiciary, which was read, and referred to the committee who have that subject under consideration, and sent to the house of representatives.

Received from the house of representatives, a message accompanied by the governor's communication, and informing this house that they had referred the same to Messrs. Cocke, Tipton, Lowry and M'Campbell, as a committee on their part to act with such gentlemen as the senate should appoint. A message was sent to the house of representatives, concurring with the above message of that house, and naming Messrs. Foster, Harle and Porter as a committee on the part of this house to act with the gentlemen on the part of the house of representatives.

The governor's communication alluded to in the last recited message of the house of representatives is as follows, to wit:

*Mr. Speaker and Gentlemen of the Senate, and
Mr. Speaker and Gentlemen of the House of Representatives,
FELLOW-CITIZENS,*

I have the honor of once more addressing you, probably for the last time, and I sincerely wish I was able

to communicate to you more satisfactory and agreeable information with respect to our national concerns. It appears that some of the belligerent powers have become calous of their national dignity and honour, and that reliance can no longer be placed in a nation, who, contrary to all former established rules and principles, disregards and renders null and void, the solemn acts and engagements entered into by their legal and regularly constituted ministers. The general government have, contrary to all expectation, been compelled to revert to the former position taken prior to the arrangement and adjustment entered into between our government and Mr. Erskine, the British minister.— This breach and violation of national faith and confidence, has naturally involved the commercial relations of the U. States, as well as the peace and dignity of the same in the disagreeable predicament laboured under for many months past, and time only can unfold what may be the result.

In regard to what may relate to the affairs of our state, the executive can with great pleasure inform you that the LAWS in every part are promptly obeyed and carried into effect. The crops and productions of our farms are every where plentiful and abundant. Commercial obstructions have occasioned and produced considerable embarrassments throughout the state. The want of a regular market has of course reduced the quantity of circulating specie, a circumstance generally complained of; whether any, or if any measure can be taken to alleviate such complaints, is with the Legislature, and not the Executive to determine.

The peace, friendship and intercourse with the neighbouring Indian tribes, is at least as great as at any former period heretofore experienced, and there remains no doubt that a beneficial and satisfactory treaty may shortly be held with the Cherokeees.

The revenue derived from the present mode of taxation, appears to be competent to discharge all the necessary demands for the support of government on the present establishment, and it may be presumed no new arrangements will take place under the critical and embarrassed situation of our national affairs, so as to occasion any material resort to additional augmentations of the public revenue.

The people south of French Broad and Holston will claim your attention and indulgence, and if their condition

in respect to the large sum which will shortly become due, could by some means be mitigated and made more easy, it would greatly relieve and soften the condition of a people eminently deserving the paternal care and friendly consideration of the Legislature. Not wishing to anticipate such matters as very probably will be laid before you by my successor, I forbear to mention some subjects to which your attention will be directed by him. Having the honor of a seat in your senate, I shall at all times deem it my duty to afford every information I possess, which you may think proper and useful.

Coming from every quarter of the state as you do, you are much better acquainted with the circumstances and situations of your constituents than I can pretend to be, and no doubt you will afford them by your legislative acts, such aid and support as may tend to the promotion of their interests and welfare. Permit me, in taking leave of your august body, to express a hope that a benign providence will ever guard, cherish and promote the well-being and happiness of my fellow-citizens of the state of Tennessee.

JOHN SEVIER.

Knoxville, 18th Sept. 1809.

P. S. Other papers and documents will in due time be laid before you.

JOHN SEVIER.

According to order the senate repaired to the Representatives Chamber to count the votes for Governor, when, on counting the votes, it was found that Willie Blount, esq. was duly and constitutionally elected Governor, for the two succeeding years.

The speaker and gentlemen of the senate again repaired to the Senate Chamber.

The house adjourned until to-morrow 9 o'clock, A. M.

Wednesday, September 20th, 1809.

The house met according to adjournment.

Received from the house of representatives a list of taxable property.—Taxes on deeds, ordinary licences, &c. for the county of Robertson, for the years 1807 and 1808—also the amount of taxes, &c. on law suits and ordinary licences, grants, &c. for the county of Wilson.—Also, the amount of taxes on lands, suits at law, ordinary licences, &c. for the counties of Smith, Greene, Carter, Maury,

Grainger and Claiborne, for the years 1807 and 1808.—Also, a list of the taxable property of Carter county, for the years 1808 and 1809. And the tax list of the court of equity for the district of Hamilton, for the years 1807 and 1808, which were severally referred to the committee of Finance.

Mr. Porter from the committee of propositions and grievances, reported that the committee have had before them the petition of John R. McFarland and James M. Reynolds—Also, the petition of Edmund Blackman, and the petition of sundry citizens of Washington county, in favor of Caesar Lion, a man of color, and finding they are concerning slaves and free negroes, beg leave to be discharged from the further consideration of said petitions—which was concurred with by this house, and a message was sent to the house of representatives, accompanying said report and asking their concurrence, and proposing to refer them to the committee who have the subject of slaves under consideration. In answer to which, a message of concurrence was received from the house of representatives.

Mr. Porter introduced a bill for the relief of the commissioners of the town of Sevierville, and for appointing additional commissioners to the same.

Mr. Brown introduced a bill to fix the time of holding regimental and battalion musters in the county of Campbell, and for other purposes therein mentioned.

Mr. Foster introduced a bill to amend an act entitled an act to establish a college in West Tennessee.

Mr. Shelby introduced a bill to authorize a separate election in the county of Dickson.

Received from the House of Representatives, a bill to bring into one view the several acts of assembly relative to the correction of errors in grants, marine conveyances, or bills of sale, and to amend the same—which were severally read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, a message, concurring with the resolution of this house in appointing a joint committee to contract for the public printing, during the present session, and naming Messrs. Barton and Tipton on their part, to act with the committee on the part of this

A bill to alter the time of holding elections in the corporation of the town of Nashville, was read the third time, amended, passed, and sent to the house of representatives.

Mr. Shelby presented the petition of the commissioners of the town of Clarksville, relative to a law passed by the legislature, in December 1807, for the regulation of said town.

Mr. Foster presented the petition of Martin Adams, praying to be divorced from his wife Martha Adams—And the petition of Hannah Gleason, praying to be divorced from her husband Benjamin Gleason—which were severally read, referred to the committee of propositions and grievances, and sent to the house of representatives.

Mr. Shelby, from the committee appointed to wait on his excellency the Governor elect, to know of him when he would wish to be installed, reported that he had performed that service, and received for answer that he would wish to be installed on this day at 12 o'clock, in the representatives Chamber.

Mr. Foster presented sundry claims to this house, to wit, the claim of Michael C. Dano, sheriff of Davidson county; the claim of Edward D. Hobbs, jailor of Davidson county, and the claim of Elliot Maddox, which were referred to the committee of claims, and sent to the house of representatives.

Mr. Shelby presented the claim of Michael Melton, sheriff of Dickson county, which was also referred to the committee of claims, and sent to the house of representatives.

Mr. Foster offered a resolution that the treasurer of East Tennessee be requested to lay before the legislature a statement of the amount of monies paid into the said treasury for the lands laid off for the use of colleges and academies, and also what amount of said monies hath been loaned out by the commissioners appointed by law for that purpose, to whom loaned, and on what security, and for what time loaned, and the per cent at what the same is loaned—Also what amount of specie is at this time in the treasury of this state, belonging to the revenue thereof—which resolution was adopted by this house, and a message sent to the house of representatives informing them thereof, and asking their concurrence.

Received from the house of representatives a message, informing this house that they had appointed Messrs. Young, Coleman, Crawford and Walton, a committee on their part, to wait on his excellency John Sevier, and inform him of the election of Willie Blount, esq. his successor, who will attend at the hour of twelve, for the purpose of being installed. A message was sent to the house of representatives, naming Messrs. Harle and Beaton a committee on the part of this house, to act with the gentlemen on the part of the house of representatives, on the above named service.

Received from the house of representatives a message, requesting the senate to meet the house of representatives in their chamber this day at twelve o'clock, at which time his excellency Willie Blount, the governor elect, will attend, for the purpose of being installed—which was concurred with by this house, and a message sent informing the house of representatives thereof.

Mr. Beaton, from the committee appointed to wait on his excellency John Sevier, and inform him of the election of Willie Blount, esq. as his successor in office, reported that they had performed that service, and that his excellency gave for answer that he was ready to attend at twelve o'clock, at the installation.

The house adjourned until 3 o'clock.

Met according to adjournment.

Mr. Porter from the committee of propositions and grievances reported as follows, to wit:

That the petition of sundry citizens of Stewart county, praying that a new county may be laid off—the petition of sundry citizens of Nashville praying that a law be passed, prohibiting private lotteries—the petition of John F. Jack praying to be released from a forfeited recognizance—and the petition of Elisha Embree, praying to be taken off the county of Washington and annexed to the county of Carter, are reasonable, and such as should be granted. And that the petition of Nathaniel Muacey, praying the legislature to pass a law to emancipate his negro man named Sam—and the petition of William Doherty, praying the legislature to pass a law to emancipate his negro man Lewis Carter, are unreasonable, and should

not be granted—which reports were severally read, concurred with by this house, and sent to the house of representatives.

Received from the house of representatives, a bill to emancipate and set free a man of color by the name of Sam Acoff, was read the first time and rejected.

Mr. Foster presented a petition of sundry citizens of West Tennessee, relative to that part of the land laws of this state, which makes appropriation for schools, &c, which was read, referred to the committee who have under consideration the land law of this state, and sent to the house of representatives.

Mr. John Seveir, a member from Knox county, appeared, produced his credentials, was qualified and took his seat.

Received from the house of representatives; a petition of the officers of a company of light infantry of the 27th regiment, praying the general assembly to indulge them in a uniform of their own manufactory, by passing a law to that effect, which was read, and referred to the committee who have the militia law of this state under consideration.

Received from the house of representatives; a message accompanying the following address of his excellency, Willie Blount, to both branches of this legislature.

*Mr. speaker, and gentlemen of the senate, and
Mr. speaker, and gentlemen of the house of representatives.*
FELLOW-CITIZENS;

Unaccustomed to address public assemblies; it is with diffidence I do it at this time; but having been lately apprised by a committee of your honorable body; that I am elected by a majority of my fellow-citizens, to fill the office of chief magistrate of this state, feel it a duty incumbent on me to accept the trust; and beg leave through you, to make the people of Tennessee a tender of my most respectful acknowledgments for their confidence. The unbiassed vote of a majority of freemen, ought to operate as a command given to the elected to enter into their service, without regard to personal inconvenience, or private interest, as the latter are points of minor consideration, when compared with the good of the whole people. In a government purely republican in its principles, every man in

community is bound to use his best endeavours to promote the general good. The welfare of the people at large is the only political object I ever had in view.—To discharge the duties attached to the office in the best and most acceptable manner, is a difficult task to perform; but to attempt it is laudable. Had the people thought proper to have called my worthy and much respected competitor to the discharge of the duties now expected of me to perform; I should have been perfectly content, fully relying on his republicanisim; and satisfied of his zeal to promote the interest of the State.

My predecessor in office, of whom it might become me to speak in terms of respect for his past meritorious services in support of the rights of the citizens of this State, having so recently made a communication to the legislature touching on points material and interesting to the State, together with the short time afforded me to make this address (having been so lately informed of my election) will supersede the necessity of a more full communication at this time, and will, I trust serve as an apology for the brevity of this:

During the session, I shall from time to time make such other and further communications to the legislature, as a sense of duty may dictate.

WILLIE BLOUNT.

Knoxville, Sept. 20th, 1809.

The house adjourned until tomorrow, 9 o'clock.

Thursday, September 21st, 1809.

The house met according to adjournment.

Mr. Benton presented a petition of William Williams, praying to be exonerated from a forfeited recognizance, which was read, referred to the committee of propositions and grievances, and sent to the house of representatives.

Mr. Harris presented the petition of Agnes Thompson, praying to be divorced from her husband.

Mr. Benton presented the petition of Rebecca Barker, praying to be divorced from her husband, which were read, and on motion, ordered to be laid under the table.

Mr. Benton presented the petition of the heirs of David Davis, relative to certain lands, &c.

Received from the house of representatives, the petition of sundry inhabitants of Mauray county, praying this general assembly to grant them a new county. Also a petition of the inhabitants of Duck'n county, praying this general assembly to restore to James Salmon of that county the privileges of which he was deprived for the offence of petit larceny. Also, a petition of sundry inhabitants lying south of the ridge that divides the waters of Duck river from those of Elk river, praying that no obstructions may be made to the navigation of Richland creek. Also, the petition of John Ragan, praying that the name of Ragan may be confirmed by this assembly as his lawful name. Also sundry petitions from inhabitants of the East end of Sumner county, praying the assembly to alter the place of holding elections in said county, &c. Also, the petition of George Wallace praying this general assembly to authorize him to vend goods without license, in the district of Winchester. Also, the petition of Cyathia L. Goss, Polly Stubblefield, Charles Mick, Daniel Johnson, Oliver Hamdy, Elijah Price, Frances Gibson, Alice Paxton, Mary Ward, Francis Winifree, Robert and Elizabeth Cartwright, Samuel Rolston, Mary Brown, Sally Mitchell, Rebecca Kennedy, Mary Vines, Peter Workman, Elijah Biggs and Mary Bingham, praying severally to be divorced from the bonds of matrimony. Mr. Stephenson presented the petition of inhabitants of Carter county, praying this general assembly to restore William Wilson of said county to his former privileges, which petitions were severally read, and referred to the committee of propositions and grievances.

Mr. Porter from the committee of propositions and grievances reported as follows, to wit: That the petition of Martin Adams, praying to be divorced from his wife Martha. The petition of Hannah Gleason, praying to be divorced from her husband Benjamin—of Polly Bateman, praying to be divorced from her husband Henry—of Sophia Reynolds, praying to be divorced from her husband Amos. Also the petition of Robert Armstrong, praying further time for collecting the public taxes of the county of White. The petition of the commissioners of the town of Clarksville, praying that their election for commissioners of said town (which was not held according to law) be

confirmed, and that part of the law which compels them to designate each lot by planting a stone at the corner, be repealed, and the surveyor be directed at the expence of the proprietor, to designate each lot in any manner he may think proper, are reasonable, and such as ought to be granted. And that the petition of John B. Cross, praying to be remunerated for moneys by him paid on account of lands advertised for sale, which did not sell for the taxes, is unreasonable, and such as ought not to be granted. Which reports were severally concurred with by this house and sent to the house of representatives.

Received from the house of representatives, a message accompanied by a resolution that a joint committee of both houses be appointed, to express to the government of the United States, the sense of this legislature, relative to the base, unprecedented and unjustifiable conduct of the British ministry towards this government, and naming Messrs. Coleman, Frazier, Seahorn and Hawkins a committee on their part, to act with such gentlemen as this house shall appoint, which was concurred with by the senate, Messrs. Benton and Brown appointed a committee on the part of this house, to act with the gentlemen on the part of the house of representatives. A message was sent, informing the house of representatives thereof, and proposing that said committee should prepare an answer to the communication made by his excellency John Seveir to this legislature.

Received from the house of representatives a message accompanied by a resolution that the secretary of state be directed to furnish to the committee of revisal and unfinished business all papers and documents now in his office, presented to the last called session of the general assembly, and not acted upon, which was concurred with by the house, and a message sent, informing the house of representatives thereof.

Received from the house of representatives, a message informing this house that they had added Messrs. Smith, Graham and Guinn to the committee of propositions and grievances—that they had added Mr. Coleman (in the room of Mr. Williamson) to the land committee—and that they had added Messrs. Phagan and Frazier to

the committee to whom are referred the militia laws of this state.

A message was sent to the house of representatives, concurring with their message, and naming Mr. Sevier on the land committee, and Messrs. Sevier and Daw on the committee to whom are referred the militia laws of this state, in addition to the former members of those committees on the part of this house.

Received from the house of representatives the return of the amount of taxable property for the county of Rutherford, for the years 1807 and 1808, which was referred to the committee of finance.

Received from the house of Representatives a message concurring with that part of the message of this house, that it requires the treasurer to make a statement to this general assembly of the amount of money paid into the treasury for the lands laid off for the use of colleges and academies, and also what amount of said monies hath been loaned out by the commissioners appointed by law for that purpose, to whom loaned, &c. but non-concurring with that part of said message which requires a statement of the amount of specie at this time in the treasury of the state, belonging to the revenue thereof. A message was sent to the house of representatives, informing them that the senate acquiesced in their non-concurrence of that part of the message of this house, which regards a statement from the treasurer of the amount of specie at this time in the treasury, &c.

Received from the house of representatives a message accompanying a resolution that a committee be appointed on their part to join any committee on the part of this house, to enquire into the expediency of authorizing by law, the judges of the superior court, or justices of the county courts, to grant divorces in certain cases, and that said committee have leave to report by bill or otherwise and naming Messrs. Coleman, Hamlin, Guinn and Williamson, a committee on their part, and asking the concurrence of this house—which was concurred with; Messrs. Foster and Henderson appointed on the part of this house to act with the committee on the part of the house of representatives, and a message was sent informing them thereof.

Mr. Sevier presented to the house the answer of the pre-

sident of the U. States, to the address of the last legislature, forwarded and addressed to Mr. Madison, which is as follows, to wit:

To the Senate and House of Representatives of the state of Tennessee.

I have received, fellow-citizens, your address bearing date the 22d April.

The circumstances of the period which led to this expression of your sentiments, were well calculated to produce anxiety in the minds of citizens cherishing an ardent love of peace—though ready to maintain the rights of their country even at the expence of that blessing. Of any culpable share in bringing on so extraordinary a state of things, you very justly acquit the government and people of the U. States, who have given the most ample proof of their desire to preserve the relations of amity with all nations, without requiring more in return than an undisturbed enjoyment of the fruits of their honest industry. In this expectation, reasonable as it was, we were disappointed. No appeals, either to the justice or the sound interests of the great contending nations, arrested the multiplied wrongs which assailed our honor and our rights.

One of those powers at length yielding to better counsels, has stepped forward in a spirit of conciliation, which, according with that always entertained on our side, has issued in a removal of the weight which more immediately pressed on our situation. And should the same spirit be extended, as is promised, to the remaining points of difference, it may lead to that permanent harmony and confidence which a mutual interest prescribes to both. Nor will we suppress the hope, that correspondent inducements seconded by such an example, may produce a like change in the policy of other belligerents, and thus lay a foundation for the general tranquillity and unobstructed prosperity of our country.

In the mean time, prudence forbids an unlimited reliance on a favorable course of events, whilst patriotism erjoins a union of all citizens in a readiness to maintain the national rights and honor, and a discontinuance of attempts to weaken by dividing them.

I tender my sincere thanks for the kind manner in which you express the interest you take in the successful discharge

of the arduous trust committed to me. Whatever inadequacy I feel in other respects, I can pledge myself for an undiminished attachment to the independence, the union, and the constitution of our country, and for those reasons endeavour to advance its happiness, in which I am promised the valuable support and co-operation of the citizens of Tennessee.

JAMES MADISON.

Washington, May 30th, 1809.

The house adjourned until to-morrow, nine o'clock.

Friday, September 22nd, 1809.

The house met according to adjournment.

Mr. Harris presented the petition of inhabitants of Franklin county, praying that the bounds of said county may remain as they now are, &c.

Mr. Shelby presented the petition of the commissioners for the public buildings in the town of Clarksville, for the use and benefit of the district of Robertson, praying the legislature to pass a law authorising a continuance of a tax for that purpose, &c.

Received from the house of representatives, the memorial of Thomas Johnston and others, praying to be relieved from attending the next superior court of Hamilton district, as a witness in the suit the Governor vs. Robert Scarcey and others.

Also the petition of Elizabeth Orto, praying a divorce; which were severally read and referred to the committee of propositions and grievances.

Mr. Henderson presented the tax list of Hawkins county for the years 1807 and 1808.

Received from the house of representatives, the returns of the amount of taxes for Campbell county for the years 1807 and 1808. Also the amount of the taxable property and polls in Bedford county, for the year 1808—which were severally referred to the committee of finance.

Mr. Speaker presented the memorial of the grand jury of W. Virginia district, praying that a change may be made in the judiciary system of this State, which was read, referred to the committee who have that subject under consideration, and sent to the house of representatives.

Received from the house of representatives a memorial of Joseph H. Sisk, relative to a certain illegal warrant, of Lum-

er 3950. Also the petition of Matthew Campbell concerning four hundred acres of land, all which were read and refered to the land committee.

Received from the house of representatives a message, accompanied by the following preamble and resolution, to wit: Whereas the free navigation of the Mobile river, together with all the navigable water courses composing the same, would have a tendency in a high degree to promote the interest and happiness of the citizens of the state of Tennessee, therefore, *Resolved* by the senate and house of representatives of the state aforesaid, that our representatives in the congress of the United States be instructed, and our senators requested to exercise their utmost endeavours to procure the free & unmolested navigation of said waters, which was concurred with by this house, and a message sent to the house of representatives, informing them thereof.

Received from the house of representatives a message, non-concurring with that part of the message of this house, which makes it the duty of the committee appointed to express to the government of the United States, the sense of this legislature, relative to the conduct of the British ministry, to prepare an answer to the communication of his excellency John Sevier, because his excellency's communication has been referred to a select committee. In answer to which a message was sent to the house of representatives, still adhering to the proposed message of this house, to the house of representatives; because the message of that house did not state that the committee to whom was refered the governor's communication, should prepare an answer thereto.

Received from the house of representatives a message still persisting in their non-concurring the reference by this house proposed, of the governor's communication to the committee having under consideration the resolution relative to the conduct of British ministry. Also the a message, accompanied by a resolution that a committee be appointed to take into consideration, whether any alterations, and if any, what, are necessary to be made to an act of the last session of the legislature of this state, concerning executions, and for other purposes and that they have leave to report by bill or otherwise, naming Messrs. Tipton, Taylor, Lowry, Barton, Hawkins, Coleman, Johnson and

Frierlon, a committee on their part, to act with such gentlemen, as this house should think proper to appoint—which was concurred with by the senate. Messrs. Harlan, Shelby, Foster and Henderson appointed a committee on the part of this house, to act with the gentlemen on the part of the house of representatives, and a message was sent informing the house of representatives thereof.

Received from the house of representatives a message informing this house that they had stricken the name of Mr. Frierlon from the land committee, and added Mr. Lowry in lieu thereof—Also, that they had stricken out the name of Mr. Tipton from the committee of enrollment and inserted that of Mr. McCampbell in lieu thereof, asking the concurrence of this house, which was concurred with by this house, and a message sent to the house of representatives informing them thereof.

Also a message concurring with this house in adding Mr. Sevier to the committee who have under consideration the judiciary system, and informing this house that they had added to the same committee the names of Messrs. Phagan, Johnson, Graham and Young and asking the concurrence of this house.

Mr Harris introduced a bill to provide that actions founded on torts, or wrongs shall not die with the parties.

Received from the house of representatives, a bill to release John F. Jack and James Rogers from a forfeited recognizance, which were read the first time, passed and sent to the house of representatives.

Also, a bill to amend an act entitled "an act to establish a college in West Tennessee."

Also, a bill to fix the time of holding regimental and battalion musters in the county of Campbell and for other purposes, which were read the second time, passed and sent to the house of representatives.

Also, a bill for the relief of the commissioners of the town of Sevierville, and for appointing additional commissioners to the same.

Also a bill to authorize a separate election in the county of Dickson, which were read the second time, amended, passed and sent to the house of representatives.

Adjourned until three o'clock. P. M.

Met according to adjournment.

Mr. Porter from the committee of propositions and grievances reported as follows, to wit :

The petition of George Wallace, praying permission to vend merchandize throughout the district of Winchester, without taking out a licence.—The petition of John Ragan, praying that the name he now bears, be confirmed by law. The petition of sundry citizens of Richland creek, (of Elk river) praying that the navigation of said creek be not obstructed from the mouth to the junction of Big creek. The petition of sundry citizens of Dickson county, praying that James Salmon may be restored to his former privileges as a citizen, are reasonable, and such as ought to be granted.

And, that the petition of the heirs of David Davis, praying that the commissioner of West Tennessee, be directed to issue a warrant on a certain certificate by them filed in the office of said commissioner—And the petition of William Williams, praying to be released from a forfeited recognizance, are unreasonable, and such as should not be granted—which reports were severally read, concurred with and sent to the house of representatives.

Received from the house of representatives the petition of Richard G. Waterhouse, praying to be divorced from his wife Polly, which was read and refered to the committee of propositions and grievances.

The house adjourned until to-morrow eleven o'clock, A.M.

Saturday, September 23rd, 1809.

The house met, according to adjournment.

Received from the house of representatives, a bill to amend an act, entitled "an act to establish a college in West Tennessee"—which was read amended and ordered to lie on the table until Monday next.

Mr. Valler introduced a bill respecting obligations and indorsements.

Mr. Harris introduced a bill, granting George Wallace the privilege of selling and retailing merchandize as a wholer, or pedlar, in the district of Winchester, without paying tax for the same—which were read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to release John F. Jack and James Rogers from a forfeited

recognizance, which was read the second time, passed and sent to the house of representatives. Also,

A bill for the relief of the commissioners of the town of Sevierville, and for appointing additional commissioners for the same—and a bill to fix the time of holding regimental and battalion musters in the county of Campbell, and for other purposes therein mentioned; which were read the third time, amended, passed and sent to the house of representatives.

Also, a bill to provide that actions founded on torts and wrongs shall not die with the parties, which was read and made the order of the day on Monday next.

Also, a petition of Elizabeth Grace, praying to be divorced from her husband David Grace, which was read and referred to the committee of propositions and grievances.

The petitions of John Allison and William Humphreys, relative to certain military land warrants were taken up, read, and on motion, the petitioners had leave to withdraw the same.

The report of the committee of propositions and grievances relative to the petition of Edward D. Hobbs, praying a law to be passed with respect to jailors fees, and which was reported unreasonable, was taken up, read, concurred with, and sent to the house of representatives.

Received from the house of representatives a message accompanied by a report of the committee appointed to take under consideration the governor's communication, together with an address to his excellency, which was read, concurred with, ordered to be entered on the journal, and is as follows, to wit:

To his excellency, JOHN SEVIER,

SIR.—The general assembly have received the communication addressed by you to the legislature, at the commencement of the present session. We sincerely regret these unfortunate embarrassments in our national affairs, the effects of which have been so long and so seriously felt by our citizens; but we look with confidence to the general government for the adoption of such measures as will most effectually tend to secure the rights and promote the interests of the American people.

The various subjects which you have recommended to

our consideration, demand and will receive our serious attention, and we trust that no exertions on our part will be withheld to promote the interest of our constituents.

In taking leave of your excellency on the present occasion, permit us to express the grateful sense, which, in common with our constituents, we entertain of the various and important services you have rendered to your country, both in your civil and military capacity. These services have evinced an extent and a purity of patriotism which have justly secured to you the confidence of your fellow-citizens.

The long and uninterrupted continuance of that confidence, and the undiminished affection of a grateful people, are proofs of your merit, to which we are sensible our testimony can add but little weight. In whatever situation you may be placed hereafter, we doubt not that you will continue still to merit the esteem and affection of the freemen of Tennessee. Accept, sir, our warmest wishes for your future welfare and happiness.

JOHN COCKE, Chairman.

Sept. 23^d, 1809.

The house adjourned until Monday, eleven o'clock.

Monday, September 25th, 1809.

The house met according to adjournment.

Mr. Benton from the committee of enrollments, reports the following bills as correctly engrossed, which were signed by the speaker, and sent to the house of representatives, to wit:

An act for the relief the commissioners of the town of Sevierville, and for appointing additional commissioners to the same.

An act to fix the time for holding regimental and battalion musters in the county of Campbell, and for other purposes therein mentioned, and for holding regimental musters in the county of Bedford.

Mr. Foster presented the memorial of sundry citizens of West Tennessee, relative to the law passed at the last session of the General Assembly, concerning executions, and praying that the said law may not be continued, which was read, referred to the committee who have that subject under consideration, and sent to the House of representatives.

Mr. Harle presented the amount of taxes, taxable property and polls, as returned by the clerk of Jefferson county, for the years 1807 and 1808.

Mr. Foster also presented the amount of taxes collected by the clerk and master in equity, on law suits within the district of Mero, for the years 1806, 1807, 1808, which statements were severally read, referred to the committee of finance, and sent to the house of representatives.

Mr. Harle presented a certificate of the clerk of Jefferson county, of the resignation of John Parrott and George Evans, esquires, as justices of peace for said county.

Mr. Brown also presented a similar certificate of the clerk of Roane county, certifying the resignation of James Rogers, Abraham K. Shafer, and Samuel Gregg, esquires, justices of peace for said county, which certificates were severally read, and ordered to be sent to the house of representatives.

Mr. Brown presented the petition of Mary Bowman and Hannah Morris, praying to be divorced from their respective husbands, which were read, referred to the committee of propositions and grievances, and sent to the house of representatives.

Mr. Harris moved for leave, and introduced a bill to encourage the building of mills and directing the duty of millers—which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill for the relief of Robert Armstrong, collector of the public tax in the county of White for the year 1807—

Also a bill to encourage seminaries of learning—

Also a bill for revising certain laws—which bills were severally read the first time, passed and sent back to the house of representatives.

Mr. Benton moved for leave, and introduced a bill to amend an act entitled “an act directing certain county lines to be run and extended,” passed September 13th 1803—which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a petition of sundry citizens of Franklin county, praying that said county may be made constitutional—Also petition of part of the citizens of Bedford county, praying to be added to

the said county of Franklin—And also the petition of John Wolf, praying the General Assembly to grant him a divorce—which petitions were severally read, ref read, as by the house of representatives, to the committee of propositions and grievances.

Mr Porter from the committee of propositions and grievances, reported that they had had under consideration the following petitions, to wit:

The petition of Chloe Hendry, praying to be divorced from her husband William.

The petition of Cynthia L. Goss, praying to be divorced from her husband Russel.

The petition of Mary Vines, praying to be divorced from her husband Benjamin.

The petition of Mary Brown, praying to be divorced from her husband David.

The petition of Sally Mitchell, praying to be divorced from her husband John G. Mitchell.

The petition of Rebecca Kennedy praying to be divorced from her husband Samuel.

The petition of Peter Workman, praying to be divorced from his wife Lucy.

The petition of Elijah Biggs, praying to be divorced from his wife Kessiah—Also, the petition of sundry citizens of Maury county, praying that a new county may be laid off—Also, the petition of sundry citizens of Sumner county, praying that a separate election may be granted them at the house of capt. John Mills, on Goose creek—the prayers of all which your committee beg leave to report reasonable, and such as ought to be granted.

Your committee have also considered the petition of Charles Micks, praying to be divorced from his wife Elizabeth—Also, the petition of sundry citizens of Sumner county, praying that a separate election may be granted them at the house of capt. William Duty, the prayers of which your committee conceive are unreasonable and should not be granted.

Which reports were read and concurred with and sent to the house of representatives.

Received from the house of representatives a message accompanied by a report of the committee appointed to contract with a printer, &c. to do the necessary printing du-

reg the present session, stating that they had concurred with said report, and proposing that the Senate meet the House of Representatives in their chamber on to-morrow at the hour of twelve o'clock for the purpose of going into the selection of a public printer—which report is as follows:

The committee appointed to contract for the public printing during the present session, have had under consideration the object contemplated by your resolution, and beg leave to suggest, that in the opinion of your committee it would be most expedient to proceed to the selection of a printer, whose duty it shall be, not only to do the necessary printing during the session, but immediately to proceed to publishing laws and journals, as the legislature progresses in business—Your committee having heretofore seen the consequences of too long delay in filling this office, which in many instances has been a procrastination of necessary and indispensable information, beg leave to report the following resolution, to supersede that already adopted.

Resolved, That it is expedient for this legislature immediately to proceed to the selection of public printer.

Wheat's message and report were separately read, and on motion ordered to lie on the table until to-morrow morning.

Received from the House of Representatives a bill respecting obligations and endorsements, which was taken up and, on motion, withdrawn by Mr. Foster for amendment.

House adjourned until to-morrow ten o'clock.

Tuesday, September 26th, 1809.

House met according to arrangement.

On motion a message was sent to the House of Representatives proposing that the House adjourn, instantly, to the United States Barracks, and asking their concurrence—in answer to which a message of concurrence was received from the House of Representatives.

Mr. Shelby introduced a bill to form a new county south of Stuart and west of Dickson and Hickman.

Mr. Henderson introduced a bill to ascertain and establish the dividing line between the counties of Grainger and Claiborne, which bills were read the first time, passed, and sent to the House of Representatives.

A message was sent to the house of representatives, non-concurring with the resolution of that house, of going into the election of public printer at twelve o'clock this day, &c. for this reason, that the senate are of opinion it will be necessary to make sundry amendments and alterations to the law relative to the duties of public printer, consequently it will not be proper to elect a printer previous to amending the said law.

A message was sent to the house of rep. informing them that the senate had had taken up for the 3d and last reading, a bill to relieve John F. Jack and James Rogers from a forfeited recognizance, and proposing to amend the same by striking out the following words in the latter part of the first section, to wit: "by entering the forfeiture, issuing *scieri facias*, and entering the release of record"—immediately after the word accrue, so as to make it read thus, "provided that nothing in this act shall be so construed as to release or exonerate the said Thomas Plummer from his recognizance, or any forfeiture that may have been entered thereon, nor to release them, the said John F. Jack, and James Rogers or either of them from the payment of any costs that have accrued previous to the passage of this act, either against principal or securities"—and requesting them should they agree to said amendment to send two of their body to see it made.

On motion of Mr. Porter, the following resolution was read, adopted, a message sent to the house of representatives informing them thereof, and asking their concurrence.

Resolved, That the executive of this state be requested to correspond with the executive of the state of Kentucky, relative to the propriety of establishing and keeping in repair a road leading from the United States Saline, on the Wabash river, through said state of Kentucky to the Tennessee line, so as to meet a road to lead from Nashville to said Saline.

Mr. Harris presented the petition of sundry inhabitants of White county, praying a change of the judiciary, &c. which was read and referred to the committee who have that subject under consideration.

Received from the house of representatives a message accompanied by a resolution, That a committee be appointed to take into consideration the expediency of

amending the law relative to elections in the different counties, for governor, members to the general assembly, representatives to represent this state in the congress of the United States, &c. and naming Messrs. Cocke, M^cCampbell, Williamson and Phagan a committee on their part to act with such gentlemen as this house shall think proper to appoint—which was concurred with by this house—Messrs. Dew and Brown appointed a committee to act with the committee on the part of the house of representatives and a message was sent informing them thereof.

Received from the house of representatives, a message, accompanied by an address, and naming Messrs. Tipton and Lowry, a committee on their part to act with such committee as this house shall appoint, to take the same into consideration which was concurred with, and Mr. Foster appointed to act with the gentlemen on the part of the house of representatives; and a message was sent informing them thereof.

The address of the governor is as follows, to wit:

Mr. speaker, and gentlemen of the senate, and

Mr. speaker, and gentlemen of the house of representatives.

I have reason to believe that sundry grants have, by the registers of East and West Tennessee been filed in the name of my predecessor in office, as if to be executed by him, which had not been presented for signature prior to his going out of office, and remain unexecuted. The object of this address is to bring the subject before your honorable body, and trust of you to prescribe a rule of conduct proper for me to observe in such cases. The owners of those grants so far as I have understood their wish, are desirous to have it in their power (if it should become a question) satisfactorily to account for any apparent inconsistency or variance between the face of their grants, and the signature of the governor for the time being.

It is respectfully submitted whether it would not be proper to suspend all action until the meeting of the next legislature.

WILLIE BLOUNT.

Knoxville, Sept. 25th, 1849.

Mr. Foster presented the memorial of Henry, with which it was read as the governor is Robert Seay and others

the reference of which was postponed until to-morrow.

The house adjourned until to-morrow nine o'clock.

Wednesday, September 27, 1809.

The house met according to adjournment.

Mr. Shelby introduced a bill to establish the permanent seat of justice in the county of Hickman, which was read the first time, passed and sent to the house of representatives.

Mr. Foster, who withdrew for amendment, a bill respecting obligations and indorsements, returned the same with a proposed amendment, which was read and adopted. On motion of Mr. Benton, said bill was then by him withdrawn for amendment.

Mr. Harris introduced a bill to amend an act entitled "an act to provide for the appointment of a public printer," which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives a message, concurring with the message of this house of yesterday, proposing amendments to the bill to release John F. Jack and James Rogers from a forfeited recognizance, and stating that they had appointed Messrs. Cocke and Johnson to the fee then made. Said bill was then amended, read the third and last time passed and ordered to be engrossed.

Mr. Porter presented the abstract of the amount of taxes as returned by the clerk of Blount county for the years 1807 and 1808, which was received and referred to the committee of finance, and sent to the house of representatives.

Mr. Harris presented a memorial of sundry citizens of White county, praying that the place of holding courts in said county may not be altered.

Mr. Foster presented the petition of Sampson Sawyer, praying to have a law passed, authorizing him to complete a lottery which he has now on hand.

Mr. Benton presented the petition of sundry inhabitants of Bedford county, praying for a new county—and,

Mr. Brown presented the petition of Frances Hopkins, praying a divorce—and

Mr. Speaker presented a petition of Joseph Irvine, praying to be released from a forfeited recognizance—which

were severally read and referred to the committee of propositions and grievances.

Mr. Sevier presented a catalogue of books now in the secretary's office for the use of the legislature, together with an address from the secretary, which were ordered to be entered on the journals, and are as follows:

In obedience to a resolution passed by the present legislature on Tuesday the 19th Sep. 1809, I have made a correct and full catalogue of all the laws of this and the other States, the United States, journals of the United States, of this and other states now in the secretary's office, to wit:

Five copies of the acts passed at the first session of the third general assembly of the State of Tennessee, 1799.

Seventeen copies of the acts passed relative to lands and intestate estates, extracted from the North Carolina revised code, in the year 1800.

Two copies of the acts passed at the second session of the sixth general assembly of this State, 1801.

Thirteen copies of the acts passed the first session of the seventh general assembly of this State, 1807.

One copy of the acts passed at the first session of the fourth general assembly of this State, 1801.

Thirty-five copies of the acts passed at the second session of the seventh general assembly of this State, 1809.

One copy of the acts of North Carolina, passed in the years 1791, 1792, 1793 and 1794.

One copy of the laws of South Carolina, containing acts from the year 1694 to 1789.

Two volumes of the laws of the State of Maryland, well bound, printed in the years 1789 and 1800.

Three pamphlets, laws of S. Carolina, 1802.

One do. laws of the State of Ohio, 1803.

One do. laws of the United States, 1802.

Seventy two copies of the acts of congress, passed at the first session of the eighth congress, 1803.

One hundred and thirteen copies of acts of the second session of the ninth congress, 1806.

JOURNALS.

One journal of the house of representatives of the U. States, in the year 1801—One do. 1805—Two do. Senate, 1803—One do. do. 1797—One journal convention State

of North-Carolina, 1788.—One do. senate and representatives, Tennessee, 1801.—One do. representatives, 1799.—One do. Constitution do. 1795.—Three do. representatives Tennessee, 1805.—One do. senate do. 1798.—Thirty journals senate, 1807.—Eight house of representatives, 1807.—18 journals senate, 1806.—15 representatives, 1806.—Thirty-two do. senate and representatives, 1809.—

R. HOUSTON.

Sept. 26, 1809.

P. S. Two journals senate U. S. 1808—Two do. representatives do. do.

R. HOUSTON.

Mr. Shelby presented the petition of J. Woolfolk, relative to certain claims to land, &c. which was read, referred to the land committee, and sent to the house of representatives.

Mr. Foster introduced the following resolution, together with the preamble, which was read and adopted, and a message sent to the house of representatives informing them thereof, (to wit:)

Whereas it hath been represented to this General Assembly, that a number of the laws of the general government, for the use of the state, are at this time deposited in the hands of Bustard and Eastin, Nashville,

Resolved therefore, That the treasurer of West Tennessee, be requested to have the one half of those books transmitted to the secretary of the state at Knoxville, to be equally distributed among the different counties in East Tennessee, and that the said treasurer be also requested to distribute the remaining balance of said books, equally among the different counties in West Tennessee, and that the said treasurer be directed to pay the carriage out of any monies in the treasury, for which he shall be allowed in the settlement of his accounts, on his producing the receipts of the different county courts clerks.

Received from the house of representatives a message, still adhering to the measures taken upon the resolution proposed by the committee appointed to contract with a public printer, &c. which was non-concurred with by this house, and a message was sent informing the house of representatives thereof.

The house adjourned until 3 o'clock, P. M.

The house met according to adjournment.

Mr. Porter from the committee of propositions and grievances, made the following reports, which were read, concurred with, and ordered to be sent to the house of representatives, (to wit:)

The petition of Alice Paxton, praying to be divorced from her husband John.—The petition of Elijah Price, praying to be divorced from his wife Jane.—The petition of Elizabeth Grace, praying to be divorced from her husband David.—The petition of Mary Ward, praying to be divorced from her husband James.—The petition of Mary Johnson, praying this legislature may not divorce her from her husband Daniel Johnson.

The petition of Elizabeth Orto, praying a divorce from her husband Frederick.—The petition of Polly Stubblefield, praying to be divorced from her husband Robert Stubblefield—and the petition of sundry citizens of Carter county, praying that William Wilson may be restored to his former privileges as a citizen—Are reasonable, and such as should be granted.

Your committee have also considered the petition of Daniel Johnson, praying to be divorced from his wife Mary Johnson.—The petition of Elizabeth and Robert Cartwright, praying to be divorced from each other.—And the petition of Mary Bingham, praying to be divorced from her husband Tapley Bingham.—And the petition of James Russell, praying that the right to a certain tract of land may be vested in himself, are unreasonable, and such as should not be granted.

Also the petition of Thomas Johnson relative to his attendance on a certain law suit now pending in Hamilton District, and on motion to withdraw said petition, your committee beg leave to be discharged from the further consideration thereof.

Received from the house of representatives the petition of Dudley Cox, praying a divorce from his wife Leannah Cox.—Also a petition of said Leannah Cox, in opposition to the above.—Also the petition of Mary Waterhouse, praying that the petition of her husband Richard G. Waterhouse for a divorce may not be granted.—Also the petitions of Elizabeth Hodge, Benjamin Blackburn, Joseph Blakely and Molly Frisbie respectively, praying to be divorced.—Also a petition of sundry citizens of Overt

and of the northern parts of the third Surveyor's district, praying that a law may be passed, requiring the office of the surveyor of said district to be kept at the court house of White county.—Also the petition of sundry citizens of Claiborne county and others, stating the propriety of taxing persons who make their subsistence by taking what are commonly called shews through the state, which were severally read and referred to the committee of propositions and grievances.—Also a joint and friendly petition of John M'Cubbins and Jane M'Cubbins his wife, praying to be divorced from each other, which was read and ordered to be laid under the table.—Also the petition of Stephen Montgomery, relative to certain military land warrants.—Also the petition of Joseph French, praying to be allowed the right of preference to certain lands unfit for cultivation adjoining his salt lick.—Also the petition of sundry citizens shewing the propriety of the Legislature's granting to owners of Iron Works, Salt Works, &c. lands for the benefit thereof.—Also a petition of Harper Manscote relative to certain land claims; which were severally read & referred to the land committee.—Also a petition of Arthur La Hogan, praying the legislature to pass a law to authorize him, or the executors of Samuel Hogan, deceased, to execute certain deeds of conveyance, &c. which was read and referred to the land committee.—Also the petition of William Sitzier, relative to a certain land claim, which was read, and on motion, ordered to lie on the table without day, it being the opinion of this house that the legislature cannot grant him any relief.

Received from the house of representatives, a bill to establish and confirm the name of a certain person therein named, which was read the first time, passed, and sent to the house of representatives.—Also a bill granting George Wallace and Thomas Dickson, privilege of selling and retailing merchandize.—Also a bill to ascertain and establish the dividing line between the counties of Grainger and Claiborne.—Also a bill to form a new county south of Stewart and west of Dickson and Hickman.—Also a bill to amend an act entitled an act, directing certain county lines to be run and extended, passed 13th Sept. 1806, which bills were severally read the second time, passed, and sent to the house of representatives.—Also a bill for the relief of Ro-

Bert Armstrong, collector of the public tax in the county of **White**, for the year 1807, which was read and withdrawn by **Mr. Harris** for consideration.—Also a bill to provide that actions founded on torts or wrongs, shall not die with the parties.—And a bill to encourage the building of mills, and directing the duty of millers, which were read and withdrawn by **Mr. Harris** for amendment.

Also a bill to amend an act to establish a college in **West Tennessee**, which was read, and on motion withdrawn by **Mr. Foster** for amendment.

Also a message informing this house that they had sent with said message, the account current between the treasurer of the district of **Washington** and **Hamilton**, since the last settlement with said treasurer, and also the books showing the amount of money received on the sale of lands south of **French Broad** and **Holston**, for the use of the State, what for the use of colleges, and what for academics, what sum has been loaned, and on what per centum, and informed this house that they had referred the same to the committee of finance, which was read, and on motion ordered to lie on the table.

Also, a message concurring with the resolution of this house, relative to the propriety of establishing and keeping in repair a road leading from the **United States Saline**, on the **Wabash** river, &c. &c. and accompanied by a resolution and preamble (to wit:)

Whereas information has lately been communicated to the senate and house of representatives of the State of **Tennessee**, that colonel **John M'Clellan** has procured and has now in his possession an accurate map of the several waters composing the **Mobile** river—Therefore,

Resolved, That a joint committee of both houses be appointed to examine said map, and report to this legislature their opinion relative to its accuracy, to the end that it may receive the sanction of this General Assembly, and be forwarded to the congress of the **United States**, in order to enable our representation in the general government the more easily to procure the free navigation of said rivers.—

And naming **Messrs. Lowry** and **Frierlon** a committee on their part to act with such committee as this house shall think proper to appoint, which was concurred with, and a message was sent to the house of representatives informing

them thereof, and naming Mr. Sevier a committee on the part of this house, to act with the above named gentlemen on the part of the house of representatives.

Also the petition of John A. Wolf and William Davis of Blount county, praying to be annexed to Sevier county, which was read and referred to the committee of propositions and grievances.

The house adjourned until to-morrow nine o'clock.

Thursday, September 28th, 1809.

House met according to adjournment.

Mr. Shelby presented the memorial of William Blount relative to a land warrant, which issued in the name of Reuben Roundtree, for one thousand one hundred and fourteen acres of land, &c. which was read, referred to the land committee, and sent to the house of representatives.

Mr. Benton from the committee to whom was referred the memorial of Thomas G. Bradford, reported as follows, (to wit:)

That the committee have taken into their consideration the prayer of the memorialist, and are of opinion that notwithstanding the revival of the laws which the memorialist has submitted has not been deemed by your committee entirely free from defects, yet knowing as they do, the great disadvantages which the officers of government, as well as the citizens of this state in general have laboured under for the want of a book of this kind, whereby the statute laws of the state divested of those parts which are no longer in force, may be found comprised in a single volume, have in consideration thereof deemed it to be advisable that the general assembly of this state should contract for such a quantity of said books as may be thought necessary for the use of the officers of the state, as the committee have found that the printing and binding of the said books is executed in a style sufficiently good, and that any quantity of said books, from three to seven hundred copies can be purchased at three dollars per copy, and any quantity above that number may be obtained for two dollars and fifty cents per copy, and believe also that the said revival is the best work now extant for giving the necessary information to those who are now required to administer the laws in our inferior jurisdictions, and which this legislature have it in their

power to transmit them with. Wherefore your committee respectfully recommend to the Senate and to the house of representatives, the adoption of the following resolution:

Resolved, That the general assembly of the state of Tennessee will purchase of Thomas G. Bradford copies of the revival of the laws of this state, by him now published, provided the same can be obtained for the sum of _____ per copy, and that the said books be received as authority in this state.

THOMAS H. BENTON, chairman.

September 28th, 1809.

Which report was ordered to lie on the table.

Mr. Harris introduced a resolution that the members of this house meet the house of representatives in the representatives chamber on Saturday the 7th day of October next, at 12 o'clock, for the purpose of choosing a Senator to represent this state in the congress of the United States, for six years from the 4th day of March, 1811, to fill up the vacancy which will be occasioned before the next stated session of this general assembly, by the expiration of the time for which Jenkin Whiteside, esquire, was elected, and that a message be sent to the house of representatives informing them of the same, and asking their concurrence—which was read and ordered to lie on the table.

Mr. Porter introduced a resolution that the commissioners appointed by the sixteenth session of an act of the last general assembly of this state, passed the 22d of April 1803, entitled "an act to provide for the payment of the members, clerks and door-keepers of the present general assembly and for other purposes"—for the purpose of loaning out to any individual or individuals the whole, or any part of the monies which have been or might hereafter be paid into the treasury of Hamilton & Washington districts for the use of colleges, referred to in said act, be directed to lay before this Legislature, the amount of money by them loaned, to whom and in what quantity the same is loaned, for what length of time, what security and for what per cent.—which was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

Mr. Foster, who withdrew for amendment, a bill to amend an act entitled "an act to establish a college in West Tennessee, returned the same, which bill was then read

the third time, amended, passed and sent to the house of representatives.

Mr. Foster presented the petition of Anthony Walk, praying this general assembly to grant him privilege to sell goods without licence, &c. which was read and referred to the committee of propositions and grievances.

On motion of Mr. Stephenson, a bill to divorce certain persons therein named, was taken up, read the first time, amended, passed and sent to the house of representatives.

House adjourned until to-morrow ten o'clock.

Friday, September 29th, 1809.

The house met according to adjournment.

Mr. Porter from the committee of propositions and grievances made the following report, which was concurred with and sent to the house of representatives, to wit :

The petition of Richard G. Waterhouse praying to be divorced from his wife Polly—The petition of Frances Gibson, praying to be divorced from her husband Roger—The petition of John Wolf, praying to be divorced from his wife Barbary—The petition of Samuel Rolston, praying to be divorced from his wife Elizabeth—The petition of Frances Winnfree, praying to be divorced from her husband Jno. E. Winnfree—The petition of Mary Bowman, praying to be divorced from her husband Peter Bowman—The petition of Molly Frisby, praying to be divorced from her husband Josiah—The petition of Hannah Morris, praying to be divorced from her husband John Morris—The petition of Elizabeth Hodge, praying to be divorced from her husband Jno. Hodge. Also,

The petition of the commissioners of the town of Clarksville, praying that a law may be passed to compel each county court in Robertson district to lay a tax for the purpose of completing the court-house and jail of said district—Also the petition of sundry the citizens of Franklin county, praying that the seat of justice in said county may be fixed nearer the centre are reasonable, and such as should not be granted.

And that the the petition of Mary Waterhouse, praying that she may not be divorced from her husband Richard G. Waterhouse, is unreasonable, and such as should not be granted.

Mr. Foster introduced a bill more effectually to prevent dueling.

Received from the house of representatives, a bill concerning divorces.

Also, a bill to restore James Salmon to his former privileges.

Received from the house of representatives, a bill to restore William Wilson to his former privileges.

Also, a bill supplemental to an act entitled "an act to establish a college in Greene county, in the territory of the United States, South of the river Ohio, passed September 3d, 1794" which bills were severally read the first time, passed, and sent to the house of representatives.

Also, a bill to amend an act entitled "an act to provide for the appointment of public printer."

Also, a bill to establish the permanent seat of justice in the county of Hickman.

And, a bill to divorce the persons therein named—which were severally read the second time, passed and sent to the house of representatives.

Mr. Foster presented a statement of the amount of moneys received by the clerk of the commissioners in West Tennessee, from the 21st day of February, 1808, to the 14th day of September, 1809, which was referred to the committee of finance and sent to the house of representatives.

Mr. Seyler gave notice to the house, that on Monday next he intends introducing a bill for permanently establishing the seat of government; for erecting the necessary buildings and to appropriate all the moneys arising from the sale of lands lying South of French Broad and Holston, that are not otherwise appropriated, for the purpose of defraying the expenditures of the same.

Mr. Harris, who withdrew for amendment a bill to provide that actions founded on torts or wrongs shall not die with the parties, returned the same with a proposed amendment, which was received. The said bill was then read the second time as amended, passed and sent to the house of representatives. On the adoption of the amendment to the above bill, Mr. Porter moved for the yeas and nays, which were as follow, to wit:

Yeas—Messrs. Brown, Foster, Henderson, Harle, Harris, Shelby, Dew, Benton and Stephenson.

Nays—Messrs. Harmon, Sevier and Porter.

The bill as amended, stands thus:

Whereas, agreeable to the laws now in force and use in this State, all actions for trespasses, nuisances, assaults and batteries, defamatory words, and others founded on torts and wrongs, die with either party to the suit, much to the prejudice of either the representatives of the deceased or to the surviving party—for remedy whereof:

Section 1. *Be it enacted* by the general assembly of the State of Tennessee, that in all actions for trespasses, nuisances, assaults and batteries, false-imprisonment, slander and others, founded on torts and wrongs hereafter commenced in any court within this State, where the plaintiff or defendant dies, or where they both die before the termination of the suit, the actions shall not abate but may be revived by the executors or administrators of the plaintiff against the defendant, or by the plaintiff against the executors or administrators of the defendant, or by the executors or administrators of the plaintiff against the executors or administrators of the defendant as the case may be, in like manner as if the said actions had been founded on contract, any law or maxim to the contrary notwithstanding.

Sect. 2. *Be it enacted* that this act shall be in force from and after the passing thereof.

Received from the house of representatives a bill to form a new county South of Stewart and West of Dickson and Hickman, which was read, and on motion of Mr. Shelby, withdrawn by him for amendment.

The house adjourned until three o'clock, P. M.

The house met according to adjournment.

Mr. Henderson chairman pro tempore of the committee of propositions and grievances reported as follows, to wit:

The petition of Frances Hopkins praying to be divorced from her husband Alexander Hopkins.

That the petition of Joseph Erwine, praying to be released from a judgment and forfeited recognizance entered against him in the county court of Hawkins.—The petition of sundry citizens of Claiborne county, praying the legislature to pass a law laying a tax on the different kinds of shows.—The petition of John A. Wolf and William Davis praying that a small part of Blount county may be annexed to Sevier county.—The petitions of sundry citi-

zens of Franklin county, praying that the bounds of said county may be extended so as to form a constitutional county.

The petition of sundry citizens of Bedford county praying to be annexed to Franklin county,

And, the petition of sundry citizens of Bedford county praying that a new county may be laid off are reasonable and such as should be granted.

And that the petition of Sampson Sawyer, jun. praying the legislature to pass a law to establish his lottery—And the petition of James Blakely, praying to be divorced from his wife Agnes, are unreasonable, and such as should not be granted. Which were severally read, concurred with and sent to the house of representatives.

Mr. Harris who withdrew for consideration a bill for the relief of Robert Armstrong collector of the public tax in the county of White, for the year 1807—returned the same which was then read the second time, passed and sent to the house of representatives.

Mr. Shelby, who withdrew for amendment a bill to form a new county South of Stuart and West of Dickson and Hickman, returned the same with a proposed amendment, which was received. The said bill was then read the third time, amended, passed and sent to the house of representatives.

A message was sent to the house of representatives, informing them that the speaker had presented to this house the amount of tax, taxable property and polls as returned by the clerk of Hawkins county for the years 1807 and 1808 and proposing that it be referred to the committee of finance, in lieu of the returns made by said clerk some days since, in which there appears an error against the state.

Received from the house of representatives a message accompanied by a resolution that a joint committee of both houses of this general assembly be appointed to enquire whether it be expedient to loan certain monies now in the treasury of East Tennessee, which have arisen from the sale of lands which were appropriated for the use of academies in this state, and have leave to report by bill or otherwise—and naming Messrs Young, Taylor, Crawford and Smith, a committee on their part to act with a committee on the part of this house—which was concurred with.

by this house, M^{rs}. Porter and Foster appointed a committee on the part of this house and a message was sent to the house of representatives informing them thereof.

Received also a message non-concurring with the resolution of this house, that the commissioners appointed by the last general assembly of this state, &c. to loan out to individuals, the whole or any part of the monies which have been or might hereafter be paid into the treasury of Hamilton and Washington districts for the use of the colleges referred to by an act of last session, &c. that they be directed to state to this legislature the amount of money by them loaned, to whom, in what quantity the same is loaned, for what time, what the security and what the per centum.

Received also, a message accompanied by a transcript of a record from the clerk of Sevier county of the resignation of sundry justices of the peace of said county, which message stated that they had accepted all of said resignations except that of Thomas Buckingham, it appearing from said record, that the said Thomas had leave of the court to withdraw his said resignation, and the clerk directed not to certify the same to the legislature—which was concurred with by this house, except as it respects the resignation of Thomas Buckingham, which the senate think ought to be accepted. A message was sent informing the house of representatives thereof.

Also, a message, non-concurring with the resolution adopted by this house, that the treasurer of West Tennessee be requested to transmit and distribute certain books but proposing the following in lieu thereof.

Resolved, That the treasurer of West Tennessee be requested to have one half of the books or laws of the general government now in the possession of Bullard and Eastin, merchants at Nashville, transmitted to the secretary at Knoxville, and that the said treasurer distribute the half detained at Nashville equally among the counties in West Tennessee, and that the secretary on receiving the other half, proceed to distribute them among the different counties in East Tennessee in equal numbers, which message stated that the reason the resolution of this house was non-concurred with by them, was principally owing to the appropriation of money by a resolution, which in their opinion would be an infringement of the constitution—which

was con'd with by this house, and a message sent to the house of representatives informing them thereof.

On motion, ordered, that the clerk of this house purchase for the use of the senate, six copies of Haywood's Revision of the laws of this state.

Received from the house of representatives, a statement of the amount of state tax of Washington county, for the years 1807 and 1808, which was referred to the committee of finance.

Also the petition of Jⁿ Hillburton, praying the general assembly to alter the name of his illegitimate child, which was read and ordered to be laid under the table.

The house adjourned until to-morrow nine o'clock.

Saturday, September 30th, 1809.

The house met, according to adjournment.

Mr. Henderson as chairman pro tempore to the committee of propositions and grievances, made the following reports; which were read, contured with, and sent to the house of representatives, (to wit:)

That the petition of Anthony Walk, praying to be permitted to retail goods through certain counties without taking out licence.

And the petition of sundry citizens of Overton county praying that the land-office in the third district may be kept at White court house--are reasonable and such as sh. will be granted.

Mr. Benton from the committee of enrollments reported, that they had examined an act to release John F. Jack and James Rogers from a forfeited recognizance, and found it correctly engrossed, which act was then signed by the speaker of this house, and sent to the house of representatives.

Received from the house of representatives the petition of William Ward, praying for a divorce, &c.

Also a petition of sundry persons, praying a law to be passed, compelling the commissioners of the town of Columbia to refund certain monies, &c.—Also the petition of Abraham Swaggerty, praying a divorce, &c.—Also a petition of sundry inhabitants of Overton county, remonstrating against the manner in which the erecting of the public building for said county has been let, which were severally

read and referred to the committee of propositions and grievances.

Received from the house of representatives a message concurring with the message of this house in the reference of the amount of tax, taxable property and polls, for the county of Hawkins, for the years 1807 and 1808, to the committee of finance, in lieu of the returns made by said clerk some days since.

Mr. Porter from the committee of propositions and grievances, made the following reports, which were severally read, concurred with, and sent to the house of representatives, (to wit:)

That the petition of Dudley Cox, praying to be divorced from his wife Leanah, is reasonable and such as should be granted. And that the petition of Leanah Cox, praying that she may not be divorced from her husband Dudley Cox. And the petition of Benjamin Blackburn, praying to be divorced from his wife Ruthy, are unreasonable and such as should not be granted.

Mr. Harris presented the resignation of William Marchbanks, as commissioner of the town of Monroe in the county of Overton, which was read and ordered to be laid on the table.

Mr. Brown introduced a bill concerning jurors in the counties Rhea and Bledsoe.

Received from the house of representatives, a bill regulating the judges of the superior courts of law and equity in granting licence to persons applying to be admitted to practice law in the superior courts of law and equity within this state—which bills were read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, a bill more effectually to prevent duelling, which was read the second time, passed, and sent to the house of representatives.

Also a bill to ascertain and establish the dividing line between the counties of Grainger and Claiborne, which was read the third time, amended, passed, and sent to the house of representatives.

Also a bill to divorce the persons therein named, which was read the third and last time, passed, and ordered to be engrossed.

Also a bill supplemental to an act, entitled an act to ef-

establish a college in Greene county in the territory of the United States, south of the river Ohio, passed 3rd Sept. 1794, which was read and withdrawn by Mr. Harmon for amendment.

Also a bill for the relief of Robert Armstrong, collector of the public tax for the county of White, for the year 1807, which was read, and on motion of Mr. Harris, ordered to lie on the table.

Also a bill to amend an act, entitled an act, to provide for the appointment of a public printer, which was read and withdrawn by Mr. Brown for amendment.

Also a petition of inhabitants of Rutherford county, relative to the seat of justice of said county, which was read, and on motion ordered to be laid on the table.

The house adjourned until Monday ten o'clock, A. M.

Monday, October 2d, 1809.

The house met according to adjournment.

Mr. Foster introduced a bill to divorce certain persons therein mentioned.

Mr. Shelby introduced a bill to amend an act for the regulation of the town of Clarksville, passed November 1807.

Received from the house of representatives a bill to amend the revenue law of this state, passed in the year 1803, so far as respects pedlars and hawkers, which bills were severally read the first time, passed, and sent to the house of representatives.

Also a bill to restore William Wilson to his former privileges.

A bill to restore James Salmon to his former privileges.

And a bill regulating the judges of the superior courts of law and equity in granting licence to persons applying to be admitted to practice law in the superior courts of law and equity within this state, which bills were severally read the second time, passed, and sent to the house of representatives.

Mr. Benton presented a petition of sundry citizens of Rutherford county, remonstrating against a petition of sundry citizens of the same county, which had for its object the removal of the seat of justice of said county. The last mentioned petition, which was yesterday ordered to lie on the table, was called up and referred, together with the remonstrance against it, to a select committee. A message was sent to the house of representatives informing them

thereof, and naming Messrs. Brown and Harle a committee on the part of this house for that purpose, and asking their concurrence. In answer to which a message of concurrence was received from the house of representatives, and Messrs. Tipton, Frierfon, Crawford and Johnson, appointed a committee on their part; to act with the gentlemen on the part of this house.

Received from the house of representatives a petition of James Breeden for a divorce.

Also a petition of Rachael Counts on the same subject— which were read and refered to the committee of propositions and grievances.

Mr. Brown presented the memorial of Nathaniel Taylor, relative to sundry entries made in the office of John Carter, entry taker, &c. which was read and ordered to lie on the table.

Mr. Brown who withdrew for amendment a bill to amend an act, entitled an act, to provide for the appointment of a public printer, returned the same with a proposed amendment, which was read and received—on motion for filling a blank of said bill with the word six, in order to make it read thus: "*Be it enacted*, that the said printer shall be further bound to print six hundred copies of the journals," &c. the yeas and nays were as follow :

Yeas—Messrs. Speaker, Brown, Harmon, Henderson, Shelby, Dew and Benton—7.

Nays—Messrs. Foster, Harle, Harris, Savier, Porter, Stephenson—6.

Here follows reasons of sundry gentlemen for their vote on the above amendment.

Our reasons for voting against filling the blank with the number of six is, that by inserting that number the people will not be furnished with as many journals of the proceedings of this legislature, by two hundred, as they have heretofore been furnished with, and we think they ought to have all the information in the power of the legislature to furnish them with, to enable them to judge of the conduct of their representatives.

JAS. P. H. PORTER,
BALDWIN HARLE,
MATTHEW STEPHENSON,
THOS. K. HARRIS.

The said bill, was then ordered to be laid on the table.
The house adjourned until to-morrow nine o'clock.

Tuesday, October 3d, 1809.

The house met according to adjournment.

Received from the house of representatives, a bill making provision for certain grants.

Also a bill to compel students composing the different colleges of this state to do militia duty.

Also a bill to secure the navigation of Richland creek of E. k river.

Mr. Foster introduced a bill to prevent the drawing of private letteries.

Mr. Sevier introduced a bill for establishing the permanent seat of government of this state.

Mr. Benton introduced a bill to incorporate the Franklin Water Company.

And a bill to enable the county court of Williams n to build a jail for the use of said county, which bills were severally read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, a bill concerning jurors in the counties of Rhea and Bladsoe.

Also a bill to establish and confirm the name of a certain person therein named, which were read the second time, passed, and sent to the house of representatives.

• Also a bill granting George Wallace, Thomas Dickson and Anthony Walke, the privilege of retailing merchandizes as hawkers or pedlars, without paying any taxes for the same, which was read the third time, amended, passed, and sent to the house of representatives.

Also a bill concerning divorces, which was read, and on motion, ordered to lie on the table.

Also the petition of Mary Ann May, praying to be divorced from her husband Samuel May.

Also a petition of sundry citizens of the upper end of Jefferson county, praying to be annexed to Hawkins, which were read and referred to the committee of propositions and grievances.

On motion, the memorial of Nathaniel Taylor, which which was yesterday ordered to lie on the table,, was taken up, read, and referred to the land committee.

Received from the house of representatives, a communication of his excellency Willie Blount, accompanied by copies of the reports of the commissioners of East and West Tennessee, which were referred to the land committee, as by the house of representatives.

Also a petition and report of the citizens and commissioners of the town of Columbia, in Maury county, relative to the organization of said town, and the appropriation of the surplus money for which the lots in said town sold, &c. which was read and ordered to lie on the table.

Also a petition of Hugh Crawford, praying a law to be passed, requiring the register of the land office of West Tennessee, to issue a grant on a certain plat and certificate now in his office, which was read and referred to the land committee.

The resolution relative to choosing a senator to represent this state in the congress of the United States, which was ordered to lie on the table, was taken up, read, and made the order of the day on Monday next.

Mr. Sevier presented the return of Luke Lea, late clerk of the board of Commissioners for East Tennessee, of the amount of taxes collected by him as clerk, &c. which was referred to the committee of finance and sent to the house of representatives.

The house adjourned until to-morrow, ten o'clock.

Wednesday, October 4th, 1809.

The house met according to adjournment.

Received from the house of representatives; a bill to amend the law concerning estrays—Also, a bill appointing commissioners to view a certain road therein mentioned—Also, a bill to establish a county South of Maury and North of the state line, known by the name of Richland county.

Mr. Sevier introduced a bill for the relief of the citizens residing South of French Broad and Holston, between the rivers Big Pigeon and Tennessee.

Received from the house of representatives a bill laying a tax on thows—which bills were severall read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to

prevent the drawing of private lotteries—Also, a bill to amend an act for the regulation of the town of Clarksville, passed November, 1807—Also, a bill making provision for certain grants, which were read the second time, passed and sent to the house of representatives.

Also, a bill to amend the revenue law of this state, passed in the year 1808, so far as respects pedlars and hawkers, which was read the second time and rejected.

A bill to amend an act, entitled "an act to provide for the appointment of a public printer, was taken up, read the third time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill regulating the judges of the superior courts of law and equity, in granting licence to persons applying to be admitted to practice law in the superior courts of law and equity in this state—Also, a bill to establish and confirm the name of a certain person therein named—Also, a bill to restore James Salmon to his former privileges. Which bills were severally read the third and last time, passed, and ordered to be engrossed.

Mr. Benton presented a petition of sundry citizens of Bedford county on Elk river praying for a new county.

Received from the house of representatives the memorial of Charity Sevier, praying to be divorced from her husband Joseph Sevier, which were read and referred to the committee of propositions and grievances.

Received from the house of representatives, the amount of taxes, taxable property and polls returned by the clerk of Cocke county, for the years 1808 and 1809, which were referred to the committee of finance.

Also, the claim of William M. Gurnbury for running the traverse line from the bank of the Tennessee, at the upper end of an island called Chickasaw island, to the Eastern head waters of that branch of the Tennessee called Duck river, which was read and ordered to lie on the table.

Mr. Dew presented the memorial of Zebulon Baird, accompanied by the petition of sundry citizens, relative to his having killed Spencer Masser, &c. which was read, and on motion to lay said memorial on the table without day, the yeas and nays were as follow, to wit:

Yeas—Messrs. Brown, Harmon, Harle, Harris, Sevier, Shelby, Porter, Benton and Stephenson.

Nays—Messrs. Foster, Henderson and Daw.

The memorial of Zebulon Baird is as follows, to wit:

To the honorable general assembly of the State of Tennessee—

I, your unfortunate and humble petitioner, not having it in my power to come forward in my own person, on the account of the situation of my family, take this method to inform your honorable body of my distressed situation, into which I have without thought or consideration fallen, as touching the life of Spencer Messer, the particulars of which will be further shewn your honorable body by testimony. We lived together for the space of four or five weeks without any hard thoughts or words, until passion, that bane of society and enemy of mortals and destroyer of reason seized me and has proved fatal to my fellow creature and almost so to me, although it lasted not more than a minute I am astonished at myself, and loathe myself, and repent before God who delighteth in mercy, and I hope and believe has, for his mercy's sake forgiven my sin, which emboldens me to come in the next place, to cast my case at your feet, praying your honorable body to cast an eye of pity on my distressed circumstance.

ZEBULON BAIRD.

The petition accompanying said memorial is in the following words, to wit:

To the honorable assembly of the State of Tennessee, for 1809, in both houses assembled at Knoxville, third Monday in September.

We your petitioners humbly sheweth, that Zebulon Baird, late of the county of Wilson and State aforesaid, did on the ninth day of July, 1808, without design or malice propence, unfortunately by a stroke killed Spencer Mercer of the said county and State aforesaid. Therefore we your petitioners humbly prayeth, that the honorable senate and house of representatives for said State, in your clemency will take under your serious consideration, the distressing situation of said Z. Baird, and while you take into view the act so unfortunately perpetrated, and that without design, we pray you will pass an act for the special

purpose of freeing said Baird from the charge of guilt, that he the said Baird may continue in peace to enjoy the liberty of a citizen, and his friends unmolested.

The undersigned have submitted the following, as the reasons which induced them to vote against the reference of said petitions.

1st. Because, that we conceive that legislative interposition in behalf of the petitioners would be a violation of that part of the constitution which has said that the judicial, executive and legislative departments should forever remain separate and distinct.

2d. Because we conceive that granting the prayer of the petitioner would be establishing a precedent filled with pernicious consequences, inasmuch as it would encourage other offenders to fly from the tribunals of justice, and to claim in like manner the interposition of the legislature, whereby the general assembly would be greatly crowded, and harassed with applications of this sort.

3d. Because we conceive that the petitioner, if he has not been guilty of murder, has no reason to dread a fair trial by a jury of his countrymen, and if he has been guilty of that offence we conceive that the legislature ought not to interpose on an ex parte view of the subject, to obstruct the regular operations of the law.

*Thomas H. Benton,
James P. H. Porter,
Thomas K. Harris,
Matthew Stephenson,
Baldwin Hale,
John Shelby,
William Brown.*

Mr. Harris, who withdrew for amendment a bill to encourage the building of mills and directing the duty of millers, returned the same with proposed amendments—The said bill was then ordered to lie on the table.

Mr. Porter, who withdrew for amendment a bill to encourage seminaries of learning, returned the same with a proposed amendment, which was read and received. Said bill was then read the second time, amended, passed and sent to the house of representatives.

Mr. Brown presented the petition of John Formwalt, praying to be compensated for conveying certain prisoners

to the district jail of Hamilton, which was read and referred to the committee of claims.

On motion of Mr. Brown a resolution was adopted :

That a joint committee be appointed to enquire whether the printer who contracted for the printing of the laws and journals of the last called session, hath delivered said laws and journals within the time specified in said contract—and also in what manner said printing hath been executed, and that they make report thereof to both houses of this general assembly. A message was sent to the house of representatives informing them thereof, and naming Mr. Brown on the part of this house to act with such gentleman as the house of representatives should think proper to appoint, and asking their concurrence.

In answer to which, a message of concurrence was received from the house of representatives, and naming Messrs. Cocke and Tipton to act with the gentlemen on the part of this house.

The house adjourned until to-morrow, nine o'clock.

Thursday, October 5th, 1809.

The house met according to adjournment.

Mr. Brown introduced a bill to alter the name of the town of Burzville, in the county of Anderson.

Mr. Benton introduced a bill to repeal an act, entitled "an act concerning ferries and ferry landings" passed December 3d, 1807. Which bill was severally read the first time, passed and sent to the house of representatives.

Received from the house of representatives a bill for establishing the permanent seat of government of this state, which was read, amended and ordered to lie on the table.

The speaker presented the resignation of Joseph Leony and John Henry, as justices of the peace of Rhea county, which were read, accepted and sent to the house of representatives.

Received from the house of representatives a petition of the citizens of Hawkins county, relative to a change of the judiciary, which was read and referred to the committee who have that subject under consideration.

Also, the petition of sundry citizens of Robertson county, praying that no part of said county may be added to Montgomery county.

Mr. Brown presented the petition of Nicodemus Keith, praying to be released from a forfeited recognizance.

Mr. Harris presented the petition of William Moore, praying that he may be allowed the privilege of carrying into effect a lottery he has now on hand, and which were read and referred to the committee of propositions and grievances.

Mr. Shelby presented the amount of taxes, taxable property and polls of Hickman county, as returned by the clerk of the said county, for the year 1803.

Mr. Brown presented a list of the amount of taxable property and polls for the county of Rhea, for the years 1808 and 1809.

Received from the house of representatives the returns of taxable property and polls, as returned by the clerk of Anderson county, for said county, for the years 1807 and 1808, which were referred to the committee of finance.

Mr. Harmon, who withdrew for amendment a bill supplemental to an act entitled "an act to establish a college in Greene county in the territory of the United States South of the river Ohio," passed September 8th, 1794, returned the same with a proposed amendment, which was read and not received.

An amendment was then proposed by Mr. Foster, to said bill and received. The bill was then read the second time as amended, passed and sent to the house of representatives.

On the passage of said bill, the yeas and nays were as follow, to wit:

Yeas—Messrs. Henderson, Harle, Harris, Sevier, Shelby, Porter, Dew, Benton and Stephenson, 9.

Nays—Mr. Harmon, 1.

Mr. Harmon entered his reasons for voting against the passage of the said bill, as follow:

My reasons for voting against the passage of the above bill, are, that in the latter part of the third section of the act as it now stands, it bears the construction to exempt students from attending military exercises, whereas, in my opinion the constitution of our State never meant that an exclusive privilege should be conferred on any class of citizens—and the amendment attached to said bill

imposing duties on the board of trustees of said college, as in my present feelings I cannot consent to.

JOHN HARMON.

The secretary delivered in at the clerk's table, the following communication of the governor, which was read and ordered to be entered on the journal.

*Mr. speaker, and gentlemen of the senate, and
Mr. speaker, and gentlemen of the house of representatives,*
FELLOW-CITIZENS,

I herewith lay before you the copy of a letter from Joseph Wilson, and a copy of the deposition of Moses Wilson, Sarah Wilson, and Sally Bacham, respecting property taken by the Indians from Joseph Wilson and Jacob Zigler, in the year 1792, which was subsequent to the treaty of Holston, and prior to the treaty of Tellico. I believe between those two periods, cases might be cited, going to shew that recoveries of property so lost were had, when the claimants by regular vouchers exhibited and supported their claims thereto, and the rightful owner reinstated in their possession. It certainly was right and just, and now is, that they should recover the property so lost, or receive a compensation therefor, because that period of time was viewed by the general government as a state of peace, although many good citizens of this state (then territory south of Ohio) experienced the horrors of war, the injuries by them received were faithfully transmitted to the general government by the executive of the then territory, notwithstanding which representations the general government of the United States thought proper to consider it good policy to call it a state of peace, and from time to time restricted the governor to defensive protection only, and never authorized offensive measures during the existence of the territorial government. On reading the treaty of Tellico, entered into between the United States and the Cherokees, dated October 2d, 1798, I find in the ninth article, which makes mention of property that had been taken prior to that time, in these words, "and all animosities, aggressions, thefts and plunderings, prior to that day, shall cease and be no longer remembered or demanded on either side." Many citizens of this state, who have sustained losses by the Indians prior to the treaty of Tellico, have as I have reason to believe, made application to the agents for Indian

affairs, for a restoration of their property or compensation therefor, and have received for answer that it is not in his power to do any thing for their relief, considering himself bound to act in conformity with his instructions from the Department of war, advising him that the above alluded to article must be strictly adhered to, which article consigns past offences to oblivion. Hence our suffering citizens are placed in a situation far from agreeable, although they were deprived of their property in time of peace, as the United States have the right proper to consider it. Surely if A is deprived of property in time of peace by B, who takes it by violence, A ought not in a government like ours, famed for doing justice, to be made to bear the loss. I persuade myself that the situation of these unfortunate people need only to be brought before the general government, who by treaty have placed a barrier to the recovery of their property in a regular way, to insure to them the receipt of justice going to their entire relief, and I know of no way in which it can be more correctly and effectually done, than by a respectful remonstrance by the representatives of the people, when assembled together for the purpose of asserting a redress of the grievances of their immediate constituents.— I have thought it my duty to bring the subject before the legislature that your honorable body may advise each with the other, and devise some mode by which so many of the people of the state may obtain indemnification for their losses, the sufferings in consequence of which has reduced them, or at least many of them, to great want, to relieve these unfortunate ones from their distresses, is, I am certain, the desire of each and every member of the legislature—and I have no doubt but it would afford the representation of this state in congress equal gratification to have your aid as a body in support of an object in itself so laudable and so consonant with the principles of justice.

WILLIE BLOUNT.

Knoxville, October 4th, 1809.

A message was sent to the house of representatives informing them that the senate proposed referring the above communication to a select committee, and naming Mr. Sevier on the part of this house to act with such gentlemen

the house of representatives should think proper to appoint, and asking their concurrence—In answer to which a message of concurrence was received from the house of representatives, and naming Messrs. Taylor and Fentress to act with the committee on the part of this house.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill to amend an act entitled an act to provide for the appointment of a public printer, and proposing to amend the same, by adding the following, intended to be the sixth and seventh sections of said bill, to wit :

Sec. 6. *Be it enacted* that in case of removal of the printer elect, from the seat of government, it shall be lawful for the governor for the time being, to contract with some suitable person to execute the public printing, or so much thereof as remains unexecuted, upon the terms prescribed by this act for public printer, to execute the same.

Sec. 7. *Be it enacted* that the person elected public printer as by this act directed, shall be deemed the public printer until the commencement of the next stated session of the general assembly, and until another shall be elected.

Which message was non-concurred with, and a message was sent to the house of representatives, informing them thereof.

Received from the house of representatives, a report of the committee to whom was referred the consideration of, whether any, and if any, what alterations are necessary to the law concerning executions, and for other purposes, which report was, that they had had the same under consideration, and that they think no alteration or amendment necessary, and begged leave to be discharged from further consideration of the subject—Which report was non-concurred with by this house, as by the house of representatives.

Received from the house of representatives, a petition of sundry citizens of the state, praying a change of the judiciary.

Also, a petition of sundry persons praying that a law may be passed repealing the law which requires rangers to keep their offices at the court-house.

Also, the petition of sundry citizens of the lower end of Robertson and upper end of Montgomery counties, praying for separate musters and elections, &c. which were severally read and referred to the committee of propositions and grievances.

Received from the house of representatives, a petition of Robert Wier, surveyor-general, South of French Broad and Holston, praying to be compensated for sundry services rendered the state as surveyor.

Also, the petition of sundry inhabitants of Greene county, relative to entries made on certain lands lying West of the Hop-well treaty line, which was read and referred to the land committee.

Also, the petition of John Brown, praying compensation for conducting an election for president and vice-president, &c. which was read and referred to the committee of claims.

Also, a list of tax and taxable property and polls of the county of Sevier for the year 1807 and 1808, as returned by the clerk of said county, which was referred to the committee of finance.

Mr. Porter from the committee of propositions and grievances made the following report, to wit:

That the petition of Rachel Counts praying a divorce from her husband John Counts.

The petition of James Breeden, praying a divorce from his wife Sally.

The petition of Mary Ann May, praying to be divorced from her husband Samuel May.

The petition of Charity Sevier, praying a divorce from her husband Joseph Sevier.

The petition of sundry citizens of Maury county, praying that John Lindsay, Gideon Pillow, Joseph B. Porter and Peter R. Booker be remunerated for monies by them expended in procuring an actual survey of said county by Henry Rutherford, out of the monies arising from the sale of lots in the town of Columbia.

The petition of sundry citizens of the town of Columbia, praying to be incorporated as a water company.

And the petition of sundry citizens of the town Columbia praying that a law may be passed authorizing them to fix their

Jail and stray-pen off the public square—are reasonable and such as sh^d be granted.

And that the petition of Abraham Swagerty, praying a divorce from his wife Elizabeth—

And, the petition of William Ward, praying a divorce from his wife Elizabeth—are unreasonable and should not be granted.

Which were severally read, concurred with and sent to the house of representatives.

A message was sent to the house of representatives, informing them—

That the senate had take up for the third and last reading, a bill for the relief of Robert Armstrong, collector of the public tax in the county of White, for the year 1807, and proposing to amend the same by adding the following provision at the end of the fourth section, to wit:

“Provided, That the said Robert Armstrong pay into the treasury, such sum or sums of money as he has or might have collected according to law,” so as to make it read that the judgment obtained against the said Robert Armstrong, and his securities, shall be, and the same is hereby suspended until the afore-said first day of January, 1811, provided, that the said Robert Armstrong, &c.—And requesting them should they agree to said amendment to send two of their body to see it made.

A message of concurrence was received from the house of representatives to the proposed amendment to the last named bill; and stating that they had sent Messrs. Smith and Walton to see the same made.

Said bill was then amended, read the third and last time, passed and ordered to be engrossed.

Received from the house of representatives a message, accompanied by a resolution, that the senate and house of representatives convene in the representatives chamber at four o'clock, on Monday the ninth instant, for the purpose of electing a public printer, which was non-concurred with by this house, and a message sent to the house of representatives thereof, but naming to-morrow, four o'clock, P. M. for that purpose, and asking their concurrence.

In answer to which a message of concurrence was received from the house of representatives, and naming

Messrs. Cocke and M^cCampbell to superintend the balloting.

Received from the house of representatives the petition of Hugh Dunlap, relative to a grant for five thousand acres of land, together with documents accompanying, which were read and referred to the land committee.

The house adjourned until to-morrow 9 o'clock.

Friday, October 6th, 1809.

House met according to adjournment.

Received from the house of representatives, a bill to remove a separate election in the county of Sumner, from the house of William Harper.

Also, a bill authorizing the county court of Knox to elect commissioners for the purposes therein mentioned, which were severally read the first time, passed and sent to the house of representatives.

Also, a bill to alter the name of Paisley Paul—which was read the first time and rejected.

Also, a bill to alter the name of the town of Burrville, in the county of Anderson.

Also, a bill laying a tax on shows, which were read the second time, amended, passed and sent to the house of representatives.

Also, a bill to amend an act for the regulation of the town of Clarksville, passed Nov. 1807, which was read the third time, passed and sent to the house of representatives,

Also, a bill to encourage seminaries of learning.

Also a bill making provisions for certain grants.

Also, a bill to restore William Wilson to his former privileges, which were read the third and last time, passed and ordered to be engrossed.

Mr. Benton from the committee of enrollments, reported an act to amend an act entitled an act to provide for the appointment of a public printer, as correctly engrossed, which was then signed by the speaker of the senate and sent to the house of representatives.

Mr. Harris presented the petition of sundry inhabitants of Battle creek, praying the general assembly to pass a law giving them the right of preference, whenever the state may be possessed of the soil by treaty, and to prevent spec-

ulators from laying their warrants on their improvements, which was read and, on motion of Mr. Harris to refer said petition to the committee of propositions and grievances, the yeas and nays were as follow, to wit :

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Shelby, Porter, Dew and Stephenson.

Nays—Messrs. Foster and Benton.

The undersigned, submitted the following as their reasons which induced them to vote against the reference of the aforesaid petition,

First. Because we conceive that the legislature of Tennessee have no right to pass any law for granting occupancies, in a part of the country to which the Indian title is not yet extinguished.

Second. Because we conceive that the petitioners in settling within the limits of the Indian boundary, have violated the laws of the United States, which inflict a penalty on all such intruders—and we conceive it is neither politic nor justifiable in the legislature of this state to grant premiums to those who have trampled the laws of the general government under their feet.

Third. Because we have understood that the military power of the United States have been directed to expel by force, all intruders from the Indian land—and we conceive it would be encouraging a set of deluded people to incur the guilt of rebellion for this legislature to authorize them to maintain their possessions.

Thomas H. Benton.

Robert C. Foster.

On motion of Mr. Porter, James Russell has leave to withdraw his petition, together with the documents accompanying the same, &c. and a message was sent to the house of representatives, informing them thereof and asking their concurrence.

The house adjourned until three o'clock, P. M.

The house met according to adjournment.

Received from the house of representatives a report of the committee to whom was referred the examination of the conduct of the public printer—That they had examined so far as relates to the printing done by John B. Hood, who was employed by the secretary for that purpose, on the failure of William Moore, public printer, and find that he has performed his duty in a much shorter time

than was allowed by law—He produced receipts from the clerks of the several counties of this state (with the exception of Hawkins, Overton and Rhea) for the full amount of the days he was to deliver, which receipts are all dated on June and the first of July. The committee further report, that they are informed by the representatives from those counties above mentioned, that the laws have been sent to them. Your committee further report that the time limited for the delivery of the journals has not expired; but that the said John B. Hood produced receipts for the delivery of a part thereof, and are informed by the secretary of state, the full compliment has been forwarded, but the carriers has not yet returned with receipts.

J. COCKE, chairman.

Which report was non-concurred with and a message was sent to the house of representatives informing them thereof and proposing to recommit said report to the committee who have that subject under their consideration, and asking their concurrence.

A message was sent to the house of representatives informing them that the senate were ready to proceed to the election of a public printer, and naming Messrs. Harle and Brown to superintend the balloting on the part of the senate.

The speaker and gentlemen of the senate, then repaired to the representatives chamber, for the above named purpose, when John B. Hood and George Wilson were put in nomination as candidates, when on counting the votes it was found that John B. Hood had fourteen and George Wilson twenty-three votes, whereupon the speaker of the senate, in presence of both houses, declared that George Wilson was duly and constitutionally elected public printer for the state of Tennessee, for the term of two years. Mr. Speaker and gentlemen of the senate, then retired to the senate chamber.

The house adjourned until to-morrow ten o'clock.

Saturday, October 7th, 1869.

The house met according to adjournment.

Mr. Harris introduced a bill for reducing the limits of Warren county, and for appointing commissioners to purchase lands to lay out a town and erect a court-house, prison and stocks in said county.

Received from the house of representatives a bill regulating the manner of paying appeals, and the proceedings thereon, and limiting the time for obtaining writs of supercedas and certiorari.

Also a bill for the relief of George W. Clark, late sheriff of Smith county—when bills were severally read the first time, passed, and sent to the house of representatives.

Also a bill for the relief of those that are surrounded by other peoples' land, which was read the first time and rejected.

Also a bill concerning jurors, which was read, and on motion ordered to lie on the table.

Also a bill to authorize the county court of Williamson to build a jail for the use of said county.

Also a bill to secure the free navigation of Richland creek of Elk river.

Also a bill to incorporate the Franklin Water Company. Which were severally read the second time, passed, and sent to the house of representatives.

A bill respecting obligations and indorsements, which was ordered to lie on the table, was taken up, and on motion of Mr. Foster, withdrew by him for amendment.

Received from the house of representatives, a message accompanied by a resolution, that it is expedient for this legislature to go into an election for senator for the state of Tennessee, to serve in the Congress of the United States, to fill the vacancy that will take place on the fourth of March, 1811, which was concurred with by this house, and a message sent to the house of representatives informing them thereof, and naming the last Saturday in the present month, at the hour of twelve, P. M. for that purpose. In answer to which last message, a message of concurrence was received from the house of representatives.

Received from the house of representatives a message accompanied by a resolution that the principal clerks of both houses of this legislature, be directed to purchase twelve copies of the late revision of the law by John Haywood, esq. and four copies of Roulstone's edition for the use of this and future legislatures—which was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

The house adjourned until Monday-ten o'clock.

Monday, October 9th, 1809.

The house met according to adjournment.

Mr. Brown presented the petition of sundry inhabitants of Rhea county, setting forth various inconveniences relative to the rights of occupancy, and praying relief.

Received from the house of representatives a petition of sundry persons claiming lots in the town of Kingston, and land in the vicinity thereof, which were severally read and referred to the land committee.

Mr. Harris presented a petition of sundry citizens of Sumner and Wilkes counties, praying that the law relative to the imposition of tobacco may be repealed—which was read, and on motion it was ordered to lie on the table until the next general assembly.

On motion of Mr. Porter, a committee of privileges and elections was appointed, composed of Messrs. Porter, Harle, Blyden, Dew, Fisher, Stephenson and Harmon.

The Speaker presented to the house a letter addressed to him as speaker, which contained sundry affidavits relative to the senatorial election of part of the district of Winchester—which were read and referred to the committee of privileges and elections.

Received from the house of representatives a bill to establish the permanent seat of justice in the county of Waite.

Also a bill for the relief of Thomas Humes, which were severally read the first time, passed, and sent to the house of representatives.

Also a bill authorizing the county court of Knox to elect commissioners for the purpose therein mentioned.

Also a bill to establish a county south of Maury and north of the southern boundary of the state.

Also a bill to establish the permanent seat of justice in the county of Hickman—which were severally read the second time, passed, and sent to the house of representatives.

Also a bill to alter the name of the town of Burrville, in the county of Anderson—which was read the third time, passed, and sent to the house of representatives.

The house adjourned until 3 o'clock, P. M.

The house met according to adjournment.

Received from the house of representatives a petition of John Kerney, for a divorce from his wife, &c.

Mr. Benton presented a petition of a number of the citizens of the east end of Williamson county, praying to be added to Bedford county—which were referred to the committee of propositions and grievances.

Received from the house of representatives a bill to establish a Water Company in the town of Columbia.

Mr. Foster introduced a bill respecting sheriffs.

Mr. Shelby introduced a bill appointing commissioners to run the line between the counties of Stuart and Humphreys—which were read the first time, passed, and sent to the house of representatives.

Received from the house of representatives a bill to remove a separate election in the county of Sumner from the house of William Harper—which was read the second time, passed, and sent to the house of representatives.

Also a bill concerning jurors—which was read and ordered to lie on the table.

Received from the house of representatives a petition of William Mitchell, sheriff of Sevier county, praying to be paid for conveying certain prisoners to the district jail, &c. which was read and referred to the committee of claims.

Mr. Sevier presented a petition of Moses Fisk, praying to have leave to open a road from his residence in Overton county, to the bank of Cumberland river, and erect a turnpike thereon—which was read and referred to the committee of propositions and grievances.

The house adjourned until to-morrow, 9 o'clock, A. M.

Tuesday, October 10th, 1809.

The house met according to adjournment.

Mr. Harle, as chairman to the committee of Finance, reported as follows, to wit :

The committee of finance, upon settling the account of Thomas Crucher, esq. treasurer of Mero, Winchester and Robertson districts, respectfully report,

That they find him chargeable with the sum of thirty-one thousand two hundred and fifty-four dollars, seventy-seven and half cents, it being the amount of revenue in the said districts for the years one thousand eight hundred seven, and one thousand eight hundred eight—and that:

the said treasurer has produced warrants, drafts, &c. charge-
able against the public revenue, to the amount of twenty
thousand seven hundred and thirty-four dollars, eighty
three and one-fourth cents, for which sum he is entitled to
a credit. Also that he is entitled to a credit of three per
cent on twenty-nine thousand seven hundred and seventy-
five dollars fifteen and one half cents, it being the amount
of revenue after deducting the clerk's and sheriff's commis-
sions for collection. Also a credit for five thousand seven
hundred and eleven dollars sixty-one and one fourth cents,
it being the amount of the receipts produced from the treas-
urer of Washington and Hamilton districts. Also a cre-
dit of two thousand three hundred and twenty-two dollars
fifty-six and three-fourth cents, being the amount for
which said treasurer has moved for, and obtained judg-
ments on behalf of the State against sundry collectors. Al-
so a credit of eighty-eight dollars, for the collection of
which indulgence was given to Vance Greer, esq. collector
of public tax for the county of Bedford, by an act of the
general assembly, passed the 20th April, 1800—And also
the further sum of twenty-five dollars allowed said treasur-
er for flat onary.

ACCOUNT STATED.

<i>Dr. Thomas Crutcher, esquire, Treasurer, &c.</i>	
To the amount of public revenue in the districts of	
Mero, Winchester and Robertson, for 1807 and	
1808 the sum of	d ds. 31254 77 1-2
<i>Credit Thomas Crutcher, esq. Treasurer, &c.</i>	
By amount of sheriff's commissions for collection	
on 19950 07 3 4	1197 00
By amount of clerk's commissions for collection	
on 11304 69 3-4	282 61 3 4
By amount of warrants, drafts, &c. produced by	
said treasurer,	20734 83 1 4
By amount of receipts produced from the treasur-	
er of Washington and Hamilton districts,	5711 60 1 4
By amount of treasurers commissions on 29775	
15 1-2,	893 25 1-2
By amount of judgments obtained as above,	2322 46 3 4
By amount for which Vance Greer, esq. was in- dulged by act of assembly,	83 00
By amount allowed the treasurer for Stationary,	25 00
dolls. 31254 77 1-2	—————

The committee further report, that on making the a-
foresaid settlement, it appeared that the following officers
failed to make the following returns, to wit :

The clerks of the counties of Jackson, White, Overton,
Baldord and Warren, made no return to the general as-
sembly as by law required.

The clerk of the county of White made no return to
the treasurer of the amount of tax collected for the year
1807.

The clerk of Franklin county neither made returns to
the general assembly or to the treasurer.

The clerk of the superior court of law in Winchester
District, made no return to the legislature.

That the clerk of the court of equity in Mero District,
made no return to the treasurer.

And that the clerks of the courts of equity in the Dis-
tricts of Winchester and Robertson, neither made returns
to the general assembly, nor to the treasurer.

In consequence of which failures, the committee were
obliged to settle according to the certificates returned to
the treasurer, or make no final settlement.

All of which is submitted.

BALDWIN HARLE,

Chairman of the committee of Finance.

Which report was concurred with by this house, and sent
to the house of representatives.

Mr. Benton presented a petition of Joseph Brown rela-
tive to the payment of taxes for land which he does not
claim, &c.

Mr. Foster presented a petition of George Bernard,
praying that the legislature will not pass a law prohibiting
the drawing of lotteries which are for the use and benefit
of useful institutions, &c.

Mr. Harris presented a petition of Joseph Franks, pray-
ing for a small town to be laid out on the head of the na-
vigation of the Caney fork of Cumberland river.

Received from the house of representatives a petition of
Ally B. Young, praying to be divorced from her husband,
&c.—which were severally read and referred to the com-
mittee of propositions and grievances.

Received from the house of representatives a petition of
Peter Looney, sheriff of Bledsoe county, praying to be al-

Voted some compensation for holding the last election for a electors to elect a president and vice-president of the United States.

Also the claim of John Spencer sheriff of Maury county, for conveying certain prisoners to the district jail—which were read, and referred to the committee of claims.

Mr. Hurl presented a memorial of Sampson Williams, relative to the election of Thomas K. Harris, esq. stating that the same was illegal, &c.—which was read and referred to the committee of privileges and elections.

Received from the house of representatives, a petition of Abraham McEwadden, respecting a certain entry made in John Armstrong's office, of No. 1470.

Also a petition of John Sloan, respecting a land warrant of No. 3240, for 640 acres, &c.

Also a petition of Nathan Shipley, relative to an entry made in Carter's office, for 200 acres, &c. to which he claims title, &c.

Also the petition of John Young and Ephraim Peyton, relative to their claims to certain lands, &c.

Also a petition of citizens of Claiborne county, relative to the propriety of curtailing and reducing to proper limits, large grants, &c.—which were severally read and referred to the land committee.

Mr. Brown presented the amount of taxable property for the county of Roane, for the year 1807—which was referred to the committee of finance and sent to the house of representatives.

Mr. Stephenson introduced a bill amendatory of the law for the regulation of the town of Jonesborough.

Received from the house of representatives, a bill to establish circuit courts—which was read the first time, passed, and sent to the house of representatives.

Also a bill to establish the permanent seat of justice in the county of White—which was read the second time, passed, and sent to the house of representatives.

Mr. Harris introduced a bill extending further the right of preference to occupants—which was read and ordered to lie on the table.

Received from the house of representatives, remarks of James W. Walker, esq. on the militia laws of this state.

Mr. Harris presented to this house remarks of Basil

Shaw on the same subject, which were read and referred to the committee who have that subject under consideration.

A message was sent to the house of representatives informing them that this house had taken up for the third and last reading, a bill supplemental to an act entitled an act to establish a college in Greene county, in the territory of the United States, South of the river Ohio, passed Sept. 3rd, 1794, and proposing to amend the same: first, by adding the following proviso to the end of the first section of said bill, to wit:

“*Provided*, that in all cases where the officers of the institution are to be elected or removed from office, or dispositions or appropriations of the funds of said college are to be made, that there shall be a majority of said board, or a number not less than seven thereof present,” so that it will read, “That the president or vice-president, with any four or more of the trustees, shall form a quorum adequate to the transaction of any business of the corporation: provided, that in all cases,” &c.

2d. By striking out all the fourth section of said bill, together with the preamble thereof, which is as follows—And whereas it would conduce to the promotion of said college, that the trustees should exhibit to the general assembly the situation of their institution.

Sec. 4th. *Be it enacted*, That the trustees of said college be privileged to make a report to the next and every stated session of the general assembly, the situation of said institution, the amount of capital, and every disposition that has or may be made of all or any part of the said funds,” for the purpose of reinstating the fourth section of said bill, as it was when it left this house, to wit:

Sec. 4. *Be it enacted*, That it shall be the duty of the trustees of said college to make report to the next and every stated session of the general assembly, the situation of said institution, the amount of capital, and disposition that has or may be made of all or any part of the said funds.”

By adding the following as the 5th section of said bill, viz.

Sec. 5th. *Be it enacted*, That all laws, and parts of laws, coming within the purview and meaning of this act, be, and

the same are hereby repealed—And requesting them should they agree to said amendments, to send two of their body to see them made.

In answer to which a message of non-concurrence was received from the house of representatives.

The house adjourned until to-morrow 9 o'clock.

Wednesday, October 11th, 1809.

The house met according to adjournment.

Mr. Harle, from the committee to whom was referred the petition of sundry citizens of Rutherford county, praying that the seat of justice in said county may be fixed nearer the centre, reported that the prayer thereof is reasonable and such as should be granted.

And, that the remonstrance of the citizens of the town of Jefferson, praying that the above petition be not granted; but that the seat of justice remain at said town, is unreasonable and such as should not be granted—which report was non-concurred with by this house and sent to the house of representatives.

Received from the house of representatives, a bill respecting sheriffs.

Also a bill amendatory to the laws in force for the regulation of the town of Jonesborough.

Also, a bill appointing commissioners to run the line between the county of Stewart and Humphreys.

Also, a bill for the relief of George Matlock late sheriff of Smith county—which were severally read the second time, passed and sent to the house of representatives.

On motion of Mr. Porter, a bill for the relief of the citizens residing South of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, was taken up, read the second time, amended, passed and sent to the house of representatives.

A bill for taking an enumeration of the free male inhabitants of this state was read the first time, passed and sent to the house of representatives.

A bill to incorporate the Franklin water company.

And, a bill to enable the county of Williamson to build a jail for the use of said county, were read the third time, passed and sent to the house of representatives.

Received from the house of representatives, a petition of Hugh Kennedy, praying a divorce from his wife, which was read and referred to the committee of propositions and grievances.

Also, a petition of Danl. Roberson respecting an entry of No. 9, for two hundred acres, made in the name of James M'Carty, in John Armstrong's office, &c.

Also, a petition of sundry citizens of Roane county, praying that the 20th section of the land law of 1806, may be incorporated into the present land law, &c.

Also, a petition of Thomas Jackson and James Mayberry, relative to certain warrants issued by the late secretary of this state, which petitions were severally read and referred to the land committee.

Received a communication from his excellency the governor, through the secretary of this state, which was read, referred to the committee who have under consideration his excellency's communication of the fifth of this month, and ordered to be entered on the journal, to wit :

Messrs. speakers and gentlemen of the senate,

And of the house of representatives,

GENTLEMEN,

In our state we find a certain portion of citizens much more exposed to the wiles and artifices of evil disposed men than others; this exposure arises out of their local situation; it is not in their power to guard against it without the interposition of your honorable body. To remedy evils is a duty. The state of Tennessee has an extensive frontier, and such portion of her citizens as live contiguous to the line of demarkation between us and the Indians, who live within the chartered limits of the state, are many of them, as I am informed, often deprived of the actual possession of much of their property, thro' the arts and machinations of some who are mischievously inclined:—Which property is in divers instances taken over the aforesaid line and sold to the Indians, or Indian countrymen, who probably (they not knowing the real owners) may be innocent purchasers; and it being withheld from the rightful owners, works an injury to the good people of this state, and may be productive of irreparable injuries in other respects as regards intercourse. At present no law ex-

ists, other than the law which authorizes the infliction of punishment on wrong doers, upon conviction of offences against the state, which satisfies public justice, but gives no compensation or relief to him who has been thus unjustly deprived of his property. Congress possess the power to redress this grievance, and it is not to be doubted but they would afford the desired relief on a proper representation of the peculiar situation and hardship under which that description of people labour.

If the legislature would, by joint resolution of both houses, or (in such other way as may to them appear proper) express the sense they entertain on this head, through the medium of the senators and representatives of this state in Congress, specially calling the attention of that body to the subject, & instruct and request the representation to use their best endeavors to procure a law to be passed, establishing a tribunal to be vested with power to take cognizance of such cases, the prospect of obtaining justice in behalf of the injured citizen would be brightened; as before such tribunal, the party injured could have an opportunity afforded him of exhibiting proof in support of his right, which privilege is at present denied him—his claim cannot be investigated, which amounts to a denial of justice.

The copy of a letter written by Col. John Brown, of Boone county, to me, on this subject is herewith transmitted for the information of the legislature. It affords proof of the existence of such a case—he asks redress, and confidently relies on obtaining your support.

WILLIE BLOUNT.

Knoxville, Oct. 11th, 1809.

The house adjourned until to-morrow 9 o'clock.

Thursday, October 12th, 1809.

The house met according to adjournment.

Mr. Porter from the committee of propositions and grievances made the following report, which was read, concurred with, and sent to the house of representatives, to wit:

The committee of propositions and grievances have considered the following petitions, to wit:

The petition of Nicodemus Keith, and sundry others,

praying said Keith may be released from a forfeited recognizance.

The petition of Ally B. Young, praying to be divorced from her husband John Young.

Which they find unreasonable, and such as should not be granted.

And the petition of Wm. Moore, praying that a bill which is now on its passage, prohibiting private lotteries, may except one which he has proposed, and which is intended for public utility, which they find reasonable, and such as should be granted.

Received from the house of representatives, a bill to divorce the persons therein mentioned.

Also, a bill regulating the manner of granting appeals and proceedings thereon.

Mr. Foster, who withdrew for amendment, a bill respecting obligations and indorsements, returned the same without amendment, which bills were severally read the second time, passed and sent to the house of representatives.

A bill for reducing the limits of Warren county and for appointing commissioners to purchase land, to lay out a town and to erect a court-house, prison and stocks in said county.

And a bill to establish the permanent seat of justice in the county of White, were read and withdrawn by Mr. Harris for amendment.

Mr. Foster presented the petition of sundry citizens of Blount county, praying the law suspending executions may not be continued longer than until the first day of December next, which was read and sent to the house of representatives for their consideration.

Received from the house of representatives, a memorial of John Peyton, respecting a military land warrant of No. 1033; for 365 acres, which he returned to the secretary's office, though never has received a grant, and provision be made for him.

Also, a petition of James Marshall, claiming the interest in a preemption right, founded on an entry, No. 730 made May 23, 1765, for 610 acres—stating that said land is taken away by better title. That owing to the neglect of his agent, his claim for a duplicate was not filed with the

commissioner in due time, and praying the legislature to give him further time to file said claim.

Also, sundry remarks of Andrew M. Lusk, clerk of the commissioner for East Tennessee, relative to a law now in force for examining claims to land, &c.

Which were read and referred to the land committee.

Also, a message concurring with this house, that the communication of his excellency the governor, of yesterday, be referred to the same committee who have under consideration his excellency's communication of the 5th of this inst.

A message was sent to the house of representatives insisting on the several amendments proposed by this house, to the bill supplemental to an act entitled an act to establish a college in Greene county, &c.

Friday, October 13th, 1809.

The house met according to a journal.

Mr. Henderson from the committee of propositions and grievances made the following report which was read, concurred with and sent to the house of representatives, to wit:

The committee of propositions and grievances have considered the petition of sundry citizens of the upper end of Montgomery county and lower end of Robertson, praying that a part of the said county of Robertson may be annexed to Montgomery, the prayer of which they beg leave to report they find reasonable and such as should be granted.

Also, the petition of sundry the citizens of this state, praying that rangers may not be compelled to keep their offices at the court house.

Also, the petition of sundry the citizens of Jefferson county, praying to be annexed to Hawkins county.

Also, the petition of sundry the citizens of Robertson county, praying that they may not be annexed to Montgomery county.

Also, the petition of Joseph Brown, praying that the county of Williamson be directed to refund to him, certain monies by him paid as taxes for land in the name of Martin Armstrong.

Also, the petition of Joseph Keeny praying a divorce from his wife Ann.

The prayers of which petitions they find unreasonable, and such as ought not be granted.

THOS. HENDERSON, ch. pro tem.

Mr. Brown moved for and obtained leave of absence for himself and Mr. D. w until Monday next.

A message was sent to the house of representatives informing them that this house had taken up for the third & last reading a bill to secure the free navigation of Richland creek of Elk river, and proposing to amend the same by striking out the word "twelve" in said bill for the purpose of inserting "sixteen"—so as to make it read "that will admit the safe passage of boats, flats and rafts at least sixteen feet wide," &c. and requesting them, should they agree to said amendment, to send two of their body to see it made.

In answer to which a message of concurrence was received from the house of representatives informing this house that they had appointed Messrs. Frierson and Graham to see the amendment made.

Received from the house of representatives, a petition of the justices of the peate of Claiborne county, stating that a prior claim has been produced for the land where on the town of Tazewell now stands, and praying that a law may be pass'd authorising said court to lay a tax in said county, to pay for the public buildings in said town, and to authorise said court to employ some person to defend the title to said land, &c.

Also, a petition of sundry citizens East and South of Powell's mountain in Claibourne county, praying to be allowed to vote at Tazewell.

Also, the petition of William Acklin, praying a law to be passed, making provision for the probate and registration of a deed of conveyance to himself, the witness residing in the Mississippi territory.

Also, petition of William Giles, praying to be divorced from his wife, &c.

And, the petition of citizens of White & Overton counties praying for a new county.

Which were severally read, and referred to the committee of propositions and grievances.

Received from the house of representatives, a bill concerning executions.

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Also, a bill to authorize commissioners to loan certain moneys.

Also, a bill to prevent the retailing of spirituous liquors in less quantities than one quart.

And, a bill for dividing the sixteenth regiment of militia into two separate and distinct regiments, which were severally read the first time, passed and sent to the house of representatives.

Also, a bill to establish a water-company in the town of Columbia.

And, a bill for the relief of Thomas Humes, which were read the second time, passed and sent to the house of representatives.

Also, a bill to authorize a separate election in the county of Dickson.

Also, a bill amendatory to the law for the regulation of the town of Johnsonborough.

And, a bill appointing commissioners to run the line between the counties of Stewart and Humphreys, which were severally read, the third time, passed and sent to the house of representatives.

Also, a bill to remove a separate election in the county of Sumner from the house of William Harper.

And, a bill authorizing the county court of Knox to select commissioners for the purpose therein mentioned, which were read the third and last time, passed and ordered to be engrossed.

Received from the house of representatives a message, proposing that Hugh Kennedy have leave to withdraw the evidence forwarded with his petition of yesterday, for the purpose of obtaining said evidence in a more formal manner, which was concurred with, by this house, and a message sent, informing the house of representatives thereof.

Received also, a message still non-concurring with the several amendments proposed by this house to a bill supplemental to an act entitled an act to establish a college in Greene county, &c, the said bill was then read and rejected.

On motion of Mr. Porter, a resolution was adopted, that the registers of East and West Tennessee, be directed to cause the several maps filed in their offices by the

different surveyors of this state that are not already lined, to be well lined, with linen, for the better preservation of said maps—and that they shall be allowed a reasonable compensation therefor. And that the secretary cause the map, South of French Broad, now filed in his office to be lined in the same manner, for which he shall also be allowed a like compensation.

A message was sent to the house of representatives informing them thereof, and asking their concurrence.

In answer to which a message of concurrence was received from the house of representatives.

Received from the house of representatives a petition of George Martin, Amos Balch and Richard Martin, relative to 3234 acres of land, entered in John Armstrong's office, &c, which was read and referred to the land committee.

A message was sent to the house of representatives informing them that this house had taken up for the third and last reading, a bill to establish the permanent seat of justice in White county, and proposing to amend the same as follows: 1st. By adding the following words immediately after the word "thereon" in the third section "for the use of said county" so that it will read for the purpose of laying out a town thereon, for the use of said county, &c. 2d. By adding the following words to the end of said section, to wit: "to themselves and their successors in office for the purposes aforesaid," in order to make it read thus: "In all cases of sales of lots the said commissioners shall take notes under hand and seal with good and sufficient security, for the payment of the purchase money, to themselves and their successors, &c. as above. 3d. By striking out the following: at the beginning of the fourth section, to wit:

"Be it enacted, That the said commissioners shall have full power and authority to contract for and superintend the erection of the court-house, prison and stocks in said town, and appropriate the money arising from the sales of lots in payment for the same, and to no other purpose or use whatever," for the purpose of inserting the following words:

"Be it enacted, That said commissioners are hereby authorized and required to give at least two months notice in the Carthage Gazette, of the time at which the public buildings are to be let, and the dimensions and materials

of which they are to be built, which public buildings shall be let to the lowest bidder, and the said commissioners shall take good and sufficient security from the undertaker or undertakers of said public building, to themselves and successors in office, in a sum to be approved of by said commissioners, conditioned for the faithful performance of such undertaking: and the said commissioners shall appropriate the money arising from the sale of the lots of said town in payment for the public buildings, and to no other use or purpose whatever, unless there should be more than sufficient to pay for said buildings, in which case the overplus shall be by said commissioners paid into the county treasury for county purposes," then the said section will continue to read, "and if the money arising from the said sales shall not be sufficient to pay for said buildings, it shall be the duty of the county court of said county, a majority of the justices being present, on application to them made by said commissioners; to lay a tax not exceeding the amount of the state tax," &c.—And requesting the house of representatives, should they agree to said amendments, to send two of their body to see them made.

The house adjourned until Monday 9 o'clock, A. M.

Monday, October 16th, 1809.

House met according to adjournment.

Mr. Henderson from the committee of propositions and grievances, reported,

That the petition of William Acton, praying a law may be passed authorizing the county court of Claiborne to admit to record a deed of conveyance, when he shall receive the probate thereof from the Mississippi territory, signed by the court or two magistrates of said territory.

Also the petition of sundry citizens of Claiborne county, praying that instead of holding an election at the house of Henry Sumpter, they may be authorized to vote at Tazewell.

The petition of the justices of the peace of Claiborne county, praying they may be authorized to lay a tax to pay for the public lot in Tazewell, if it should be lost in a suit which they expect will shortly be commenced by certain claimants—and also that they be authorized to appoint some person to defend the title.

And the petition of Joseph Franks, praying to have a town laid off near the great falls of the Caney Fork, are reasonable and such as should be granted.

And that the petition of M^{rs} Fisk, esq. praying liberty to open a road from his dwelling house to Cumberland river, and establish a turnpike thereon.

And the petition of George Bernard, praying that he may have leave at some future period to propose a lottery to defray the expence of opening a road from Nashville to New-Orleans, are unreasonable, and should not be granted. Which reports were read, concurred with by this house, and sent to the house of representatives.

Mr. Harris presented a petition of sundry citizens of Overton, White and Jackson counties, praying for a new county, &c.

Also a petition of part of inhabitants of Jackson county, praying that the seat of justice may be removed to the mouth of Roaring river.

Mr. Foster presented a petition of Edmund Gregory, praying to be divorced from his wife Mary, &c.

Received from the house of representatives, a petition of James Lyon, stating that he has on hand a scheme of a lottery for the purpose of aiding him in building a paper mill, &c. and praying that a law may be passed authorising him to progress with said lottery, &c.

Also sundry petitions of citizens of Warren county, relative to the seat of justice in said county, &c.

Mr. Harmon presented the petition of John Gass, administrator of the estate of Wm. Gass, dec'd. stating that the said deceased, a few days before his death, procured from the clerk of Greene county a licence to retail merchandize, and praying that a law may be passed to authorize him the said John Gass to draw from the public treasury the amount of the said tax.

Mr. Foster presented a petition of Lewis Demoss, praying leave to build a mill on Big Harpeth river—which petitions were severally read and referred to the committee of propositions and grievances.

Received from the house of representatives a message informing this house that they had granted leave of absence to Jacob Peck, principal clerk, until Thursday next,

and that they had appointed James H. Peck, clerk pro tempore, to carry mess'g's, &c. &c.

Mr. Benton presented a memorial of John Spencer, Sheriff of Maury county, relative to the laws in force and use for selling lands reported for taxes, &c.

Also the petition of Thomas H. Madison, by John Haywood, his attorney, relative to a warrant of number 404, for 5 000 acres of land, &c.

Mr. Foster presented a petition of Adam Pinkley, relative to an entry which he made in John Armstrong's office for 5 000 acres, of which he states he was defrauded by the chicanery of Stokely Donelson and William Tyrrell, &c.

Received from the house of representatives a memorial of John Hustilston, relative to a land warrant of No. 4514 for 274 acres, issued by the State of North Carolina to Peter Smith.

Also a petition of R^d. Banks, respecting a military land warrant of No. 3914 &c.

Mr. Sevier presented the memorial of Reuben Simpson, stating that he deposited forty-five pounds specie; certificates, and the fees of office, in the office of John Armstrong, together with a location of 450 acres of land, and desired the entry-taker to make the entry, that on applying for the warrant he was answered that the entry had never been made, &c. and praying provision to be made for him, —which were severally read, and referred to the land committee.

The house adjourned until 4 o'clock.

The house met according to adjournment.

Received from the house of representatives sundry memorials from sundry citizens from different parts of the State, praying that the suspension may not be continued—which were read and laid on the table for the consideration of the house.

Mr. Foster presented the claim of Benet Searcy, clerk of the court of equity of Mero district—which was read and referred to the committee of claims, and sent to the house of representatives.

Mr. Benton introduced a bill to establish a county south of Bedford, called Fayette.

Also a bill to reduce the limits of Bedford county, and

to establish its permanent boundaries—which were read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, a message concurring with several amendments proposed by this house to be made to a bill to establish the permanent seat of justice in the county of White, and informing this house that they had appointed Messrs. Smith and Walton to see them made. Said bill was then amended, read the third and last time, passed, and ordered to be engrossed.

Mr. Harris presented a petition of a number of the citizens of Overton county, within the bounds of captain Williams's company, praying that the present courts be abolished, and that circuit courts be adopted in lieu thereof, which was read and ordered to be sent to the house of representatives.

Received from the house of representatives a petition of sundry citizens of Greene county, praying a change of the judiciary, &c. which was read and laid on the table for the consideration of the house.

Mr. Foster presented to the house a report of Enoch Parsons, esquire, attorney general for East Tennessee, relative to a suit the governor against Robert Searcy and securities—together with a claim of W. C. Jamison, clerk of Montgomery county, &c.—which were read—whereupon Mr. Foster offered a resolution that a select committee be appointed to take under consideration said report, and also the propriety of removing said suit from Hamilton to Meigs District, and that they report by bill or otherwise.

A message was sent to the house of representatives informing them thereof, naming Messrs. Porter and Foster on the part of this house, to act on the above subject, with such gentlemen as the house of representatives should think proper to appoint, and also informing them that this house had referred the claim accompanying said report to the same committee, and asking their concurrence.

Mr. Harri son presented a petition of sundry citizens of Green county, praying to have a separate election to be held at Babb's Mill—which was read and referred to the committee of propositions and grievances.

The house adjourned until to-morrow nine o'clock.

Tuesday, October 17th, 1809.

The house met according to adjournment.

Mr. Benton introduced a bill to alter the southern boundary line of Williamson county.

Received from the house of representatives, a bill to alter a part of the line between Hawkins and Grainger counties.

Also, a bill to alter the present dividing line between Washington and Carter counties, so as to include the dwelling house of Elihu Embree, in Carter county—which bills were severally read the first time, passed, and sent to the house of representatives.

Also, a bill respecting sheriffs—which was read and ordered to lie on the table.

Also, a bill to authorize commissioners to loan certain moneys—which was read, and on motion withdrawn by Mr. Harris for amendment.

Also, a bill to appoint additional trustees for the Geneva Academy, in the county of Smith.

And a bill to encourage the building of Iron Works—which were read the first time, passed, and sent to the house of representatives.

Mr. D. w. presented a petition of Dillard B. ally, praying to be divorced from his wife Sally.

Mr. Foster presented a petition of sundry citizens of Nashville, praying that a law may be passed, particularly authorizing Sampson Sawyers to progress with a lottery which he has now on hand, &c.

Mr. Harmon presented the petition of Andrew McFerran, praying to be divorced from his wife, &c.

Mr. Brown presented a petition of sundry citizens of the upper end of Campbell county, stating the inconvenience under which they labor from the court-house of said county being erected at the extreme part of said county, &c. and praying that commissioners may be appointed to fix on a more eligible place for the seat of justice, &c.

Received from the house of representatives, a petition of Mary Baldwin, praying to be divorced from her husband Samuel, &c.

Also, a petition of Francis Shaw, relative to his mill on Cloyd's creek in Blount county—which petitions were se-

verally read, and refered to the committee of propositions and grievances.

Mr. Foster presented a p-tition of Thomas Vining, Elijah Chisholm, jr. and Joshua Prout, informing the General assembly that they have a quantity of land, which is unfit for cultivation, and praying that the legislature will take their case under consideration, and grant them some relief, &c.

Received from the house of representatives, sundry petitions of the citizens south of French Broad and Holston, relative to obtaining certificates for land, where grants have been obtained for lands in that tract of country, notwithstanding it appears that there are no warrants filed in the secretary's office, upon which they should have issued, &c.

Also, a memorial of the above named citizens, praying to have indulgence given them for the payment of the instalments due for their lands, &c. or to have the privilege of procuring warrants and getting grants for their lands as in other parts of the state, in case of vacant lands.

Also, a report of W. M. Quisenbury, who was appointed to run the line from the upper end of the Chikafaw Old Fields, to the head waters of Duck river—which were severally read and refered to the land committee.

Received from the house of representatives a petition of sundry inhabitants of Bedford county, praying an alteration of the present judiciary system, which was read.

On motion a bill for the relief of the citizens residing south of French Broad and Holston, and west of Big Pigeon and Tennessee rivers, was taken up, read the third time, amended, passed, and sent to the house of representatives.

A bill to reduce the limits of Bedford county, and to establish its permanent boundaries, was read the second time, passed, and sent to the house of representatives.

A bill to amend an act, entitled an act, directing certain county lines to be run and extended, passed Sept. 3rd, 1806, was read the third time, passed, and sent to the house of representatives.

A bill to establish a Water Company in the town of Columbia—

And a bill for the relief of Thomas Humes, were read the third and last time, passed, and ordered to be

Mr. Harris presented a petition of citizens of White county, concerning the suspension of executions, praying that said law may be suffered to expire—which was read and ordered to be sent to the house of representatives.

Received from the house of representatives, the resignation of Josiah Nichol and John Miller, as justices of the peace for Knox county, which were read and accepted.

Also, a message concurring with this house, that a committee be appointed to take under consideration the report of E. Parsons, attorney-general, and naming Messrs. Cooke, Tipton, Williamson and Bentress, a committee to act with the gentlemen on the part of this house, and also concurring with this house, that the claim of W. C. Jamison, clk. of Montgomery county, be referred to the same committee.

Also, a message informing this house that they had taken up for the third and last reading, a bill to alter the name of the town of Burrville, in the county of Anderson, and proposing to amend the same by striking out the word "Smithfield," as the name of said town, and inserting that of "Clinton," which was concurred with by this house, Messrs. Sevier and Brown appointed to see the amendment made, and a message was sent informing the house of representatives thereof.

Also, a message accompanied by a resolution that no petition for a divorce shall be received or read in this legislature after Monday next—In answer to which a message of concurrence was sent to the house of representatives.

The honorable Robert Houston, Secretary, delivered to the speaker a communication from his excellency the Governor, as follows :

*Mr. Speaker, and Gentlemen of the senate, and
Mr. Speaker and Gentlemen of the house of representatives,
FELLOW-CITIZENS,*

The Executive of this state was, by an act passed at the last stated session of the general assembly, authorized to appoint two commissioners to treat with the Cherokee Indians for an extinguishment of their claim to certain lands within the chartered limits of this state, and an appropriation was made to carry the treaty into effect. These commissioners have been appointed, who are progressing towards an accomplishment of the wishes of the state in re-

lation thereto, and they entertain hopes of a successful negotiation—success is the wish of all—The plan on which to operate, best calculated to ensure success in convenient time, at the least possible expence to the state, and most likely to afford a reasonable indulgence to us for the payment of such sum as it may cost, are points of magnitude, and such as require serious deliberation. I have thought it advisable to bring this subject before the legislature for their consideration; and respectfully suggest, whether it would not comport with the true and substantial interest of this state, to ask the general government to appoint a commissioner or commissioners to act in conjunction with those appointed by this state, altho' in them we fully confide—and also to solicit them to make an appropriation for carrying the treaty into complete effect. If the United States would do so, very little doubt is entertained but the views of this state could be satisfactorily accomplished—and it is equally certain that the condition of the United States would be bettered—If the United States will extinguish the Indian claim at the expence of the general government, and give the Cherokees in exchange for their claims; lands on the western side of the Mississippi, happy consequences would result to the United States, to Tennessee, and to the Indians—and if so they could afford this state a reasonable time of indulgence to reimburse them the expenditures. My reason for supposing the Indians would thus exchange, are bottomed on a recollection of the substance of an interchange of opinions which had relation to the mutual interests of the United States and of the Indians, between the late President of the United States and a deputation from the Cherokee nation, who went on with col. M'igs some time since to the City of Washington, where the exchange was proposed, and provisionally acceded to by the then President, and on information obtained in conversation held with intelligent men relative to the impressions and expectations which the Indians have made, and expressed uniformly since that conference—From all which considerations, and others not necessary to be enumerated, there is in my mind little room to doubt of the practicability (with the aid the United States) of effecting the purchase or exchange. The United States ought to be represented by commissioners of their appointment to sanction the pro-

ceedings on the part of the general government, who own the territory proposed to be exchanged for the Indian claim near us—and to me it appears that to do it in that way, would best promote the solid interest of Tennessee.

WILLIE BLOUNT.

Knoxville, October 15th, 1809.

Which communication was referred to the committee who have under consideration, the governor's communication of the 11th instant, and a message was sent to the house of representatives informing them thereof.

The house adjourned until to-morrow nine o'clock.

Wednesday, October 18th, 1809.

House met according to adjournment.

Mr. Benton as chairman to the committee of engrossed bills, reported the following bills as correctly engrossed, to wit :

An act authorizing the county of Knox to elect suitable persons to settle with the commissioners who have been heretofore appointed to erect the public buildings for the county of Knox,

An act to establish and confirm the name of a certain person hereinafter named.

An act regulating the judges of the superior courts of law and equity in granting licence to persons applying to be admitted to practice law in the superior courts of law and equity within this state.

An act to restore William Wilson to his former privileges.

An act to restore James Salmon to his former privileges.

An act to establish the permanent seat of justice in the county of White.

An act for the relief of Robert Armstrong, collector of the public tax in the county of White for the year eighteen hundred and seven.

An act to establish a water-company in the town of Columbia.

An act for the relief of Thomas Humes.

An act to encourage seminaries of learning.

An act to establish the permanent seat of justice in the county of Hickman.

An act to divorce the persons therein named.

An act to remove a separate election in the county of Sumner, from the house of William Harper, the present place of holding elections.

And, an act making provisions for certain grants.

Which acts were severally signed by the speaker of this house and sent to the house of representatives.

Received from the house of representatives, a message concurring with the message of this house, in referring the communication of his excellency of yesterday to the committee who have under consideration his communication of the eleventh inst.

Also, a bill to enable certain persons to take testimony of witnesses residing out of the state and have the same recorded.

Also, a bill to appoint additional trustees for East Tennessee college.

Also, a bill for the benefit of students at the different universities of learning in this state.

Also, a bill to authorize the commissioners of the town of Columbia to make certain appropriations therein mentioned.

Also, to establish a military company.

Mr Benton introduced a bill authorizing depositions to be taken in certain cases.

Which bills were severally read the first time, passed and sent to the house of representatives.

Mr. Benton introduced a bill to regulate the payment of costs, when suits were continued on affidavits, which was read and rejected.

Received from the house of representatives, a bill for dividing the sixteenth regiment of militia into two separate and distinct regiments.

Also, a bill to encourage the building of iron-works.

Which were read the second time, passed and sent to the house of representatives.

Mr. Stephenson presented the memorial of Thomas Edwell, praying to be allowed for his attendance as a juror on behalf of the state, against Michael Montgomery, in which prosecution the state failed, &c.

Received from the house of representatives, a petition of

Jeff Williams, praying a law to be passed, authorizing him to erect mills on Red river.

Which were read and referred to the committee of propositions and grievances.

Received from the house of representatives a bill to alter a part of the line between Hawkins and Grainger counties, which was read and withdrawn by Mr. Henderson for amendment.

The house adjourned until to-morrow 9 o'clock.

Thursday, October 19th, 1809.

The house met according to adjournment.

Mr. Henderson, as chairman pro tem. to the committee of propositions and grievances, reported, that

The petition of sundry citizens of Davidson and Wilkes counties, praying that Lewis Demos may have leave to build a mill dam across Big Harpeth.

The petition of sundry citizens of Greene county, praying a separate election at Babb's Mill.

The petition of James Lyon, praying that his lottery proposed for the purpose of erecting a paper-mill, may not be prohibited.

The petition of John Gass, administrator of the estate of William Gass, deceased, praying that he may be authorized to draw from the public treasury; the amount of a license for retailing merchandise, which the said Wm. Gass, obtained but a few days previous to his decease.

And, the petition of Hugh Kennedy, praying a divorce from his wife Eleanor—are reasonable, and such as should be granted.

And, that the petition of Francis Shaw, praying that his grist-mill may not be injured by a saw-mill and cotton-machine a short distance above him.

The petition of Wm. Gues, praying to be divorced from his wife Hannah.

And, the petition of Edmund Gregory, praying to be divorced from his wife Mary—are unreasonable, and such as should not be granted.

Which report was concurred with by this house, and sent to the house of representatives.

Mr. Benton, from the committee of enrollments reported the following bills correctly engrossed, to wit:

An act to fix the time for holding regimental and Battalion musters in the county of Campbell, and for other purposes therein mentioned, and for holding regimental musters in the county of Rhea.

An act granting George Wallace, Thomas Dickson and Anthony Walke, the privilege of retailing merchandize, as hawkers or pedlars, without paying any tax for the same.

An act more effectually to prevent duelling.

An act to ascertain and establish the dividing line between the counties of Grainger and Claiborne.

An act to amend an act, entitled an act to establish a college in West Tennessee.

An act to authorize the county court of Williamson to build a jail for the use of said county.

An act to form a new county South of Stewart and West of Dickson and Hickman.

An act to amend an act, entitled an act, to provide for the appointment of a public printer.

An act to amend an act, for the regulation of the town of Carlestown, passed November 1807.

An act to alter the time of holding elections in the corporation of the town of Nashville.

And, an act to incorporate the water company of Franklin.

Which acts were severally signed by the speaker of this house, and sent to the house of representatives.

Mr. Henderson, who withdrew from amendment, a bill to alter a part of the line between Hawkins and Grainger counties, returned the same with a proposed amendment, which was received. Said bill was then read the second time, amended, passed and sent to the house of representatives.

The speaker presented to the house, the deposition of Joseph Martin, relative to the separate election in Jackson county at Peterson's ferry for senator, &c. which was addressed to him as speaker, which was referred to the committee of privileges and elections.

Mr. Porter presented two petitions of sundry citizens South of French Broad and Holston, &c. relative to the lands in that tract of country which has been granted by the State of North Carolina, and praying that a law be

passed to authorize them to receive warrants for said grants, notwithstanding the warrants on which they purport to have been issued, are not to be found in the secretary's office.

Received from the house of representatives, a petition of Robert Christian, relative to an entry made in John Armstrong's file of No. 1707, for five thousand acres,

Which petitions were read and referred to the land committee.

Mr. Harris, who withdrew for amendment, a bill for the relief of George Matlock, late sheriff of Smith county returned the same without amendment, which was passed then read the third and last time, passed and ordered to be engrossed.

Mr. Benton presented a remonstrance of a number of the citizens of Williamson county, praying that the law suspending the operation of executions, may not be continued, &c. which was read and ordered to be sent to the house of representatives.

Mr. Harris introduced a bill to amend an act for ascertaining the method of proving book-debts, passed by the governor and council and assembly of North Carolina in the year ———.

Mr. Benton, from the land committee reported, a bill regulating the sales of lands for taxes.

Received from the house of representatives a bill for the regulation of the town of Palmyra, in Montgomery county.

Also, a bill to regulate attorneys in their proceedings in courts of law.

Also, a bill to ascertain the mode of proving property in certain cases.

Which bills were severally read the first time, passed and sent to the house of representatives.

Mr. Stephenson, who withdrew for amendment a bill to encourage the building of iron works, returned the same with sundry proposed amendments, which were received. The bill was then read and ordered to lie on the table.

Received from the house of representatives, a bill to alter the present dividing line between Washington and Carter county, so as to include the dwelling house of Eli-

by Embree in Carter county, which was read the second time, amended, passed and sent to the house of representatives.

Mr. Brown presented the petition of citizens of Rhea county, praying a change in the judiciary system, &c. which was read and sent to the house of representatives.

Received from the house of representatives a petition of the citizens of Jefferson county on the last named subject.

And a petition of inhabitants of Bedford county, praying for a new county.

Which petitions were read.

Also, a petition of Isabella Guines, praying to be divorced from her husband Richard Gaines, which was read and referred to the committee of propositions and grievances.

Mr. Sevier presented a report of Archibald Rhea and George Doherty, esquires, commissioners appointed by the executive, to examine the road cut out by John and George Lowry, from the head of Stone's river through the Cherokee nation, to intersect the great road leading to the state of Georgia, which was read, and on motion, referred to a select committee consisting of Messrs. Brown and Brown on the part of this house, and a message was sent to the house of representatives informing them thereof, and asking their concurrence.

In answer to which, a message of concurrence was received from the house of representatives, and naming Messrs. Fentress, Williamson, Smith and Taylor, to act with the gentlemen on the part of this house.

Mr. Sevier from the committee to whom was referred the map of the Tombigby river, reported as follows, to-wit:

Your committee, to whom was referred the map of the Tombigby river, the same being by actual survey made by Capt. Edmund P. Gaines, report,

That the river Tombigby from the Mobile bay as high up as the Cotton-Gin, called Colberts, affords excellent navigation for vessels and boats of large burthen. From the Tennessee river above the Muscle Shoals to the said Gin, does not exceed the distance of eighty-five miles of a passage—the distance from the lower end of the shoals, the

most convenient way, does not exceed one half of the above.

Your committee observe that the whole course of the Bigby is a mild and gentle stream, and every way well adapted for the purposes of navigation—Large sailing vessels ascend up to Fort St. Stephens, with much ease and convenience, and above to the upper settlements.

When your committee contemplate the great and beneficial advantages that are likely to be derived from this and other rivers leading out of the vicinity and some part of the territory of this State, immediately into the Mobile Bay, a distance not exceeding four hundred miles from Knoxville, they cannot help anticipating a speedy enjoyment of all those advantages and benefits which nature and a benign Providence have so conspicuously designed apparently for the use and commercial interests of the western inhabitants, particularly those of Tennessee.

Your committee beg leave to state, that the nations claiming the country lying between the heads and sources of the rivers discharging themselves into the Mobile and the Tennessee, are principally the Cherokees, many of which nation have already and are constantly migrating to the country west of the Mississippi, and there no longer remains any doubt that in case the general government would become engaged in lending their aid in either purchasing or exchanging for their claims, that the same could be readily obtained; and as such an acquisition would so evidently and eminently tend to the promotion of the interest and incalculable advantages that would be derived and enhanced by the general and State governments from such a purchase or exchange, we humbly submit, for the consideration of the Legislature, the following resolve:

Resolved unanimously, That the Senators and representatives, representing this State in the Congress of the United States, as early as may be in their power, be directed and requested to use their utmost endeavors with the executive of the United States in soliciting and requesting him to have extinguished by purchase or exchange of lands, the Indian claims lying between the Tennessee and the rivers emptying into the Bay of Mobile, or of much thereof, and to secure and admit the free and unmolested navigation and intercourse by the way of the Mobile rivers into the Atlantic Ocean.

JOHN SEVIER, chairman.

Which report was read, adopted, and sent to the house of representatives.

The house adjourned until to-morrow nine o'clock.

Friday, October 20th, 1809.

The house met according to adjournment.

Mr. Harris presented a petition of a number of the inhabitants of Franklin county, praying the execution law to be repealed, and that they may have an addition to said county.

Received from the house of representatives a petition of sundry inhabitants of Greene county, praying that not more than two lawyers shall be allowed to speak on any cause in any court within this state.

Also, praying that a law may be passed, giving pedlars and hawkers certain privileges.

Also, a petition of the inhabitants of the county of Carter, praying some aid from the state in opening a road from Carriger's ford to Julius Dugger's, across the mountain, &c.—which were read and referred to the committee of propositions and grievances.

Mr. Foster introduced a bill to prevent the drawing of private lotteries.

Mr. Harmon introduced a bill appointing additional commissioners for regulating the town of Greenville in the county of Greene—which were read the first time, passed, and sent to the house of representatives.

On motion of Mr. Foster, a resolution was adopted that a special committee be appointed to revise the present revenue laws of this state, and bring the same into one view, and report by bill—which was adopted, and a message was sent to the house of representatives informing them thereof, and naming Messrs. Porter and Foster, a committee on the part of this house, to act with such gentlemen as they should think proper to appoint, and asking their concurrence.

Mr. Harmon presented a memorial of sundry citizens of Greene county, praying that the tax may be reduced—that a law may be passed to compel holders of warrants to lay them in a certain time, &c.—that the law suspending the operation of executions be continued, &c.—which was

read, referred to the land committee, and sent to the house of representatives.

Received from the house of representatives, a bill regulating the sales of lands for taxes, which was read the second time, passed, and sent to the house of representatives.

Mr. Harris, who withdrew for amendment a bill for reducing the limits of Warren county, and appointing commissioners to purchase land, to lay out a town and erect a court-house; prison and stocks in said county, returned the same with several proposed amendments, which bill was then ordered to lie on the table.

On motion of Mr. Foster, the following resolution was adopted, (to wit:)

Whereas, it hath been represented to this general assembly, that the Nashville Bank, established by a law passed the 20th of Nov. 1807, will go into operation the first Monday in March next—And whereas the said law has reserved to the state exclusive right of subscribing for three hundred shares in said bank, and believing that said institution would have a tendency not only to promote the interest of the state revenue, but encourage commerce and agriculture, objects of the first magnitude to society—Wherefore,

It is resolved, That the executive of this state subscribe for shares in said Bank, agreeably to the provisions of said act of assembly.

Which resolution was read and ordered to be laid on the table.

The house adjourned until to-morrow morning, nine o'clock.

Saturday, October 21st, 1809.

The house met according to adjournment.

Received from the house of representatives, a bill to divide the militia of Sumner county, being the 15th regiment, into two separate and distinct regiments.

Also, a bill to establish public inspections of tobacco in the counties of Campbell and Stewart.

Also, a bill to authorize John Goss, administrator of the estate of William Goss, deceased, to draw certain monies from the treasury—which bills were severally read the first time, passed, and sent to the house of representatives.

Also, a bill regulating the sales of land for taxes—which was read the third time, amended, passed, and sent to the house of representatives.

On motion a bill to secure the navigation of Richland creek of Elk river, was taken up, read the third and last time, passed, and ordered to be engrossed.

Received from the house of representatives, a bill respecting sheriffs—which was read, and on motion, withdrawn by Mr. Foster for amendment.

Mr. Benton presented a petition of Cable Maury, praying to be divorced from his wife.

Received from the house of representatives, a petition of Hugh Woollard, praying to be divorced from his wife Jane.

Also, a petition of Jacob Cox, relative to a contract entered into between him and a certain John Cottes—which petitions were severally read and referred to the committee of propositions and grievances.

Also, a petition of the justices of the peace of Dickson county, relative to jurors, which was read and ordered to lie on the table for information of the house, &c.

Also, the petition and claim of Field Farrar, James M. Rols and Michael Molton.

And the petition of William Peacock and Wm. V. Aikin, praying compensation for their trouble and expence in conveying certain prisoners to the jail of Clarksville—which were read and referred to the committee of claims.

Also, a petition of Wm. Ward, by his attorney in fact, Mos s Humphreys, and his guardian Nathl. Taylor, relative to his claim for a certain quantity of land, 640 acres, entered in Carter's office, &c.—which was read and referred to the land committee.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill regulating the sale of lands for taxes, and proposing an amendment thereto, as stated in their message; and requesting this house, should they agree to the amendment, to send two of its body to see the same made—which was concurred by this house, Messrs. Stevenson and Benton appointed to see the amendment made, and a message was sent to the house of representatives informing them thereof.

Also, a message concurring with this house in the resolution that a special committee be appointed to revise and bring into one view, the revenue laws, and report by, &c. and naming Messrs. Tipton, Bentress, Taylor and Williamson, a committee on their part, for that purpose, &c.

Mr. Dew presented the following report, which was read, concurred with, and sent to the house of representatives.

The committee to whose consideration was submitted the report of the commissioners appointed by the executive, in conformity to a resolution of the last general assembly, to examine the road cut out by John and George Lowry, from the head of Stone's river through the Cherokee nation, to where the great road leading to the state of Georgia, may intersect the same; and also from the Tennessee, to where the road will intersect the aforesaid road leading to Georgia, and make report thereof to this general assembly—do leave so report:

And: they have examined said report, and are of opinion that the said road is considerably nearer (at least one hundred miles) than that by South W. Point, to the State of Georgia, and that it is now possible for all descriptions of land carriages, and can with out any considerable labor or expence be made a good road—which road the committee are of opinion is now, and will continue to be of great benefit and utility to the inhabitants of the Western country, and particularly those of Tennessee. The committee are also of opinion that said commissioners have well and truly discharged the duties imposed upon them—wherefore, they submit the following resolution, to wit:

Resolved, that George Deherty and Archibald Rheas, Messrs. commissioners as aforesaid, be allowed each the sum of four dollars per day, for every day they may have been necessarily engaged in discharging the duties of their appointment (not being twenty-eight days) as full compensation for their services and expenditures in their official capacities, &c. in the performance of the business enjoined on them by the aforesaid appointment.

The committee further report, that they are of opinion that it would be consistent with justice and good policy,

to make some remuneration to the aforesaid John and George Lowry, for their great exertions and expence in opening and cutting out the aforesaid road. All of which is submitted.

JOHN DEW, ch.

On motion of Mr. Foster a resolution was adopted; that the clerk of this house be requested to call on the secretary and make enquiry for a memorial from the Lowrys to the legislature, at their last session, relative to a road leading from Georgia to Tennessee, through the Indian nation.

The house adjourned until Monday ten o'clock, A. M.

Monday, October 23rd, 1809.

The house met according to adjournment.

Mr. Porter from the committee of propositions and grievances reported,

That the petition of sundry citizens of Bedford county praying a new county to be laid off. The petition of sundry citizens of Campbell, praying the seat of justice in said county may be removed nearer the center. The petition of Mary Baldwin, praying a divorce from her husband Samuel. And the petition of Isabella Gaines, praying a divorce from her husband Richard, are reasonable and such as should be granted. Which report was concurred with by this house and sent to the house of representatives.

Mr. Henderson introduced a bill to repeal the 3d, 8th, and 9th, sections of an act entitled "an act for appointing commissioners to superintend the opening and keeping in repair, that part of the road leading from Virginia and North Carolina, to Kentucky, which lies between the cross roads; at a place called Bean's Station, in Grainger county, and the ford of Sycamore creek, in Claiborne county.

Also, a bill appointing commissioners to fix on a permanent place in the county of Campbell for erecting a court-house, prison and stocks.

Mr. Brown introduced a bill to encourage the raising of sheep—which bills were read the first time.

Received from the house of representatives a bill to prevent the drawing of private lotteries, which was the second time.

A bill to encourage the building of iron works, was taken up, read the second time and amended, the said bills

were then endorsed and sent to the house of representatives.

Mr. Harris presented sundry petitions praying that the judiciary system be altered, which was read and ordered to be sent to the house of representatives.

On motion of Mr. Foster a resolution was adopted :

That John Sevier and James Robertson, esquires, commissioners on the part of this state, be authorized to make such allowance to John and George Lowry, for opening a road leading from Georgia to Tennessee, as they may think proper, not exceeding five hundred dollars, and that they be authorized to draw a warrant on either of the treasurers of this state for the amount so allowed ; a message was sent to the house of representatives informing them thereof, and asking their concurrence. In answer to which a message of concurrence was received from the house of representatives.

Received from the house of representatives sundry petitions of sundry of Winchester district & other citizens of this state praying that the law suspending executions may be continued, &c. which was read and ordered to lie on the table.

Mr. Foster introduced a resolution that this house meet in future at sun rise each and every morning (sunday's excepted) during the remainder of the session.

Mr. Foster, who withdrew for amendment a bill respecting sheriffs, returned the same without amendment, which was then ordered to lie on the table.

Received from the house of representatives a certificate of the resignation of Joel Dyer, Adam Dale, Arther S. Hogan, William Martin, John L. Martin, William Lane, Zachariah Ford, and John Patterson, as justices of the peace of Smith county, which was read and excepted.

Also the petition of Polly Harrison praying to be divorced from her husband.

Also the petition of John Wilkinson, praying to be authorized to have a lottery for the purpose of raising money, to enable him to erect a manufactory for the purpose making cotton and wool cards.

Also the petition of the commissioners of the town of Mearoe, in Overton county, counter to one heretofore received from the inhabitants of said county, stating that a

fraud or imposition was imposed on said county by said commissioners, &c.

Mr. Harris presented the petition of the citizens of Overton county, praying the line to be run between Kentucky and Tennessee.

Also, a petition of William Evans, against the establishment of a new county to be composed of a part of Overton, &c.

Also, a petition of sundry citizens of Overton county, praying that Conrad Piles, proprietor of the turnpike road from Poplar creek to Wolf river, be allowed the same toll that other proprietors of turnpikes receive, as respects of passengers, pack horses, and loose stock—which petitions were severally read, and referred to the committee of propositions and grievances.

Mr. Speaker presented a claim of John Cocks, sheriff of Montgomery county, praying to be allowed compensation for keeping Josiah Britt, a prisoner &c. which was read and referred to the committee of claims.

A bill to establish a county south of Bedford was read in part, amended and ordered to be laid on the table.

The house adjourned until to-morrow 9 o'clock.

Tuesday, October 24th, 1809.

The house met according to adjournment.

Mr. Harmon introduced a bill to authorise a separate election in the county of Greene.

Mr. Foster introduced a bill to encourage the discovery and manufacturing of salt and other articles—

Which were read the first time, passed and sent to the house of representatives.

Mr. Harris, who withdrew for amendment a bill to authorise commissioners to loan certain monies, returned the same with a proposed amendment, which was read and received.

And, on motion of Mr. Foster, withdrawn by him for further amendment.

On motion of Mr. Porter, it was ordered, that the house resolve itself into a committee of the whole; upon the bill to establish circuit courts. Mr. Henderson is the chair.

And after some time spent therein, Mr. Speaker resumed the chair—and.

Mr. Henderson reported, that the committee have had the said bill under consideration, and made some progress therein, and asked leave to sit again.

Ordered, that said bill be made the order of this day, in the afternoon.

The house adjourned until three o'clock, P. M.

The house met according to adjournment.

The house according to order, resolved itself into committee of the whole, Mr. Henderson in the chair, on the bill establishing circuit courts.

And after some time spent therein, Mr. Speaker resumed the chair—and

Mr. Henderson reported, that the committee had under consideration said bill, and made sundry amendments thereto, which he delivered in at the clerk's table—which, together with said bill, were ordered to lie on the table.

The house then adjourned until to-morrow 9 o'clock.

Wednesday, October 25th, 1809.

The house met according to adjournment.

Mr. Prier from the committee of propositions and grievances, reported that,

The petition of sundry citizens of Greene county, praying that not more than one attorney be permitted to speak on one side of a cause. Also, praying certain regulations with respect to retailing merchandize, &c.

The petition of sundry citizens of Franklin county, praying that no additional bounds be given to said county—and praying sundry magistrates be appointed.

The petition of Thomas Tredwell, praying compensation for attending as a witness in certain criminal prosecutions.

The petition of Conrad Piles (keeper of a turnpike, on the road from Poplar creek to Wolf river) and others, praying that the toll of said turnpike, be extended to loose horses, &c.

The petition of Polly Harrison praying a divorce from her husband, Henry.

And the petition of John Wilkinon, praying he may have liberty to raise by lottery, a sum of money to be expended in erecting a manufactory for cotton and wool cards—are reasonable, and such as should be granted.

And, that the petitions of sundry citizens of Carter county, praying the legislature to appropriate the sum of one hundred dollars for the purpose of opening a road through said county.

The petition of Hugh Woodland, praying a divorce from his wife Jane.

The petition of Cable Maury, praying a divorce from his wife Jane.

And, the petition of Joseph Cox, praying the time for the registration of deeds, &c. may be prolonged—And that John Crites be compelled to have recorded an obligation given by said Crites to the petitioner, are unreasonable and such as should not be granted.

Which report was concurred with by this house, and sent to the house of representatives.

Received from the house of representatives, a bill to amend an act for erecting a court-house and prison in the town of Clarksville for the district of Robertson, which was read the first time.

Also, a bill to divide the militia of Sumner county, being the 15th regiment, into two separate and distinct regiments, which was read the second time.

Also, a bill to encourage the discovery and manufacturing of salt and other articles, which was read the second time, amended and passed.

Said bills were then introduced, and sent to the house of representatives.

Also, a bill to alter the present dividing line between Washington and Carter counties, so as to include the dwelling house of Elihu Embree, in Carter county, which was read the third and last time, passed and ordered to be engrossed.

A message was sent to the house of representatives informing them that the senate had taken up for the third and last reading, a bill to encourage the building of iron-works, and proposing sundry amendments thereto, and requesting them, should they agree to said amendments, to send two of their bodies to see them made.

In answer to which a message of concurrence was received from the house of representatives, and informing this house that they had sent Messrs. Taylor and Hanna to see the amendments made.

The said bill was then amended, read the third and last time and ordered to be engrossed.

Received from the house of representatives, a bill appointing commissioners to fix on a permanent place in the county of Campbell, for fixing a court house, prison and stocks, which was read and ordered to lie on the table.

Also, a bill to prevent the drawing of private lotteries, which was read, amended and ordered to lie on the table.

Mr. Foster introduced a resolution, that the legislature proceed to the election of treasurers for East and West Tennessee, on Saturday next, which was adopted, and a message was sent to the house of representatives informing them thereof, and asking their concurrence.

In answer to which, a message of concurrence was received from the house of representatives.

Mr. Foster presented a petition of sundry citizens of Nashville, praying that a law may be passed authorising the drawing of a lottery for the purpose of conveying water through pipes into said town.

Received from the house of representatives, the petition of sundry citizens of Wilson county, praying to be annexed to Rutherford county, which was referred to the committee of propositions and grievances.

Also, a petition of Christopher Stover and Andrew Baker, praying that they may have the same right of appeal from the decision of the first board of commissioners, that is granted to the persons who have filed with, and had decisions by the present commissioners.

Also, the petition of Joel Perrin, Saml Blair—and also the petition of John Bullard, praying that the commissioners may be authorised to issue them a warrant for the decision between the grants and the warrants on which they are founded, which were referred to the land committee.

Also, the claim of Abraham Dudley, James Armstrong and Abraham Hollinsworth, for their allowance as witnesses in a state case, which was read and ordered to lie on the table.

The house adjourned until to-morrow, nine o'clock.

Thursday, October 26, 1809.

The house according to adjournment.

On motion of Mr. Stephenson, a message was sent to the house of representatives, proposing to rescind the resolution adopted, some time since, by both houses, that no petition for a divorce, be received after monday last.

In answer to which a message was received from the house of representatives, stating their non-concurrence.

Mr. Speaker presented to the house, sundry documents relative to the election for senator in Winchester district.

Mr. Harris presented a paper of a similar nature—Which were read and referred to the committee of privileges and elections.

On motion, the house resolved itself into a committee of the whole, on a bill establishing circuit courts, and after some time spent therein—

Mr. Speaker resumed the chair, and Mr. Henderson, chairman of the said committee reported, that the committee had had said bill under consideration, made sundry amendments thereto, reported progress, and asked leave to sit again.

The said bill was then ordered to lie on the table.

The house adjourned until to-morrow, nine o'clock.

Friday, October 27th, 1809.

The house met according to adjournment.

Received from the house of representatives, a bill to enable the justices of the peace of Claiborne county court to lay a tax for the purposes therein mentioned.

Also, a bill to regulate the officers fees therein mentioned.

Also, a bill to encourage the killing of wolves—

Which were read the first time and passed.

Also, a bill for the better regulation of the town of Palmyra, in the county of Montgomery, which was read the second time amended and passed.

Said bills were then indorsed, and sent to the house of representatives.

Also, a bill to regulate attorneys in their proceedings in courts of law, which was read and ordered to lie on the table.

On motion, the house went into committee of the whole, on a bill to establish circuit courts—Mr. Henderson in the chair.

* And, after some time spent therein—Mr. Speaker resumed the chair—

* And, Mr. Henderson reported that the committee had had said bill under consideration, made sundry amendments thereto, reported progress and asked leave to sit again.

The said bill was then laid on the table.

Received from the house of representatives, a message accompanied by a resolution that the committee of finance be directed to give Thomas M. Cerry a credit of one per cent. on all monies by him received from the Treasurer of West Tennessee, as a compensation for his trouble in receiving and distributing the same.

Also, a resolution that the register of the land office for East Tennessee, be directed to furnish the committee of finance with a correct report of the amount of monies received by the treasurer of the districts of Washington and Hamilton, agreeably to said Treasurer's receipt filed in his office, which resolutions were read and adopted.

The house adjourned until to-morrow morning, nine o'clock.

Saturday, October 28th, 1809.

The house met according to adjournment.

On motion, a bill to regulate attorneys in their proceedings in courts of law, was taken up and read, and on the question being put, shall this bill pass? the yeas and nays were as follows, to wit:

Yeas—Messrs. Harmon, Henderson, Harle, Harris, Stephen and Foster.

Nays—Messrs. Brown, Sevier, Porter, Shelby, Daw, Benton and the Speaker—the said bill was then rejected.

A message was sent to the house of representatives, proposing immediately to go into the election for a Senator to represent this State in the Congress of the United States, and Treasurers for East and West Tennessee, nominating Jackin Whiteside, &c. as a candidate for senator; &c. and naming Messrs. Brown and Daw as tellers in said elections on the part of this house.

In answer to which a message of concurrence was received from the house of representatives, and naming M. Messrs.

Coke and Tipton as tellers on their part, to act with the gentlemen on the part of this house.

Mr. Speaker and Gentlemen of the Senate, then repaired to the representatives chamber for the purpose expressed in the preceding messages—whereupon Jenkin Whiteside, Esq. was nominated as a candidate for senator, &c. Thomas McCorry, Esq. as a candidate for treasurer of East Tennessee, and Thomas Crutcher, Esq. as a candidate for treasurer of West Tennessee—and on counting the ballots, it appeared that the above named gentlemen were unanimously elected to the appointments for which they were candidates.

The speaker and gentlemen of the senate then returned to the senate chamber.

Received from the house of representatives, a resolution that our senators in congress be directed, and our representatives requested to use their influence with the general government to obtain liberty to sell and dispose of the vacant and unappropriated lands within this state, at any price the state may think proper.

Also, a resolution that the commissioner for East Tennessee be required to examine all claims for lands filed in his office during the present session, in the same way and both sanctioned or not, as if such claim had been filed within the time prescribed by law.

Which resolutions were ordered to lie on the table.

Also, a petition of Vance Greer, attorney for the heirs of Andrew Greer, deceased, praying the general assembly to grant them an appeal from the decision of the commission for East Tennessee, which was read and referred to the land committee.

Also, a petition of sundry citizens of the state praying that a law may be passed to compel persons about to abscond, to give security to persons to whom they are indebted, though said debt may not be due, &c.

Also, a petition of John Dudley, praying to be released from a former recognizance.

Which were read and referred to the committee of propositions and grievances.

Also, a bill to prevent the drawing of private lotteries, which was read the third time passed and sent to the house of representatives.

A bill appointing commissioners to fix on a permanent place in the county of Campbell, for erecting a court house, prison and stocks, was taken up, read and rejected.

On motion, the house resolved itself into a committee of the whole on a bill to establish circuit courts, Mr. Henderson in the chair.

And after some time spent therein, Mr. Speaker resumed the chair—

And, Mr. Henderson reported that the committee had said bill under consideration, made progress and asked leave to sit again.

Messrs. Benton and Brown were appointed a select committee for the purpose of arranging in a proper manner the different amendments proposed by the committee of the whole to the last named bill.

The house adjourned until Monday, twelve o'clock.

Monday, October 30th, 1809.

Mr. Harris introduced a bill to establish academies in the counties of White, Warren and Franklin, and for the appointment of trustees therefor.

Also, a bill to establish a town by the name of Frankville, on a North Bluff of the Caney Fork of the river Cumberland, on the land of Joseph Franks in White county, and for establishing an inspection of tobacco thereat.

Mr. Shelby introduced a bill to annex a part of Robertson county to Montgomery county, and to provide for the holding of separate elections and battalion musters in Montgomery county.

Mr. Stephenson introduced a bill providing for the payment of witnesses attending in behalf of the state, in cases where the state has failed in the prosecution.

Which bills were severally read the first time, passed over to the house of representatives.

Mr. Benton presented a petition of John White, relative to a military land warrant, No. 2042, for 640 acres.

Mr. Speaker presented the petition of J. S. H. Minter, relative to a military land-warrant No. 501, for 640 acres, &c.

Which were read and referred to the Land committee and sent to the house of representatives.

On motion of Mr. Foster, a resolution was adopted, that no bill shall be received by either branch of the legislature, after Tuesday the 7th of Nov. next.

A message was sent to the house of representatives informing them thereof and asking their concurrence.

In answer to which, a message of non-concurrence was received from the house of representatives; but informing this house that they had adopted a resolution, that it shall be duty of all committees to report to the legislature on or before Wednesday the 8th of November on all business before them.

Which last resolution was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

Received, also, a message informing this house, that they had taken up for the third and last reading, a bill to prevent the drawing of private lotteries, and proposing to amend the same, by striking out the proviso to the fourth section, which respects those who have already proposed lotteries, giving bond and security, and which was concurred with by this house.—Messrs. Foster and Harle appointed to see the amendment made, and a message was sent to the house of representatives informing thereof.

The honorable Robert Houston, secretary, presented to the speaker the following communication from his excellency, the governor together with two letters from John Strother, to the governor, which were read and ordered to be entered on the journal and sent to the house of representatives.

The governor's communication—

*Mr. Speaker, and Gentlemen of the senate, and
Mr. Speaker and Gentlemen of the house of representatives,
FELLOW-CITIZENS,*

Two letters from John Strother, Esquire, of the 15th and 21st instant, addressed to me, shew as fully and as clearly as can at this time be ascertained, the quantity and situation of land within the limits of this state, to which the Indian claim is yet to be extinguished, and what portions are claimed by the one and the other nations; and believing it a duty incumbent on all who have public relations in charge to render information of an useful kind as diffusive as practicable, I herewith transmit copies of those letters.

to your honorable body, and through you to the people at large, hoping that the information which they contain may in a particular manner assist the negotiations of a treaty with the Indians, in leading to a correct result: by them it appears what quantity of acres is situated within certain bounds, from which an idea may be formed of the consideration proper to be given for an extinguishment of claim, and of the importance of any particular acquisition of territory to us.

When about to form a contract, it must be a point worthy of attention to acquire information relating to the object in view, influenced by considerations of this kind, I have felt anxious, if it should prove in any degree useful to the State, that it be gratified in having communicated it to you, because to me individually it is of no other use than to furnish information relating to no individual interest. It is of importance to the future growth and permanent welfare of the State, to obtain as soon as it may be deemed practicable, the uncontrolled right of sovereignty jurisdiction over the lands within her chartered limits; and a survey should be kept on some plan well calculated to effect an object of such primary advantage to us. In furtherance of this object, it is respectfully submitted to the consideration of your honorable body, whether it would not be well to advise and instruct the representatives and senators of this State, in the Congress of the U. States, to use from time to time, their best endeavours with the properly constituted authorities, to procure from the Chickasaws a relinquishment of their claim to at least such portion of land as is situated east of Tennessee river, and west and south of the congressional and Chickasaw lines, to the south boundary of this State, an idea of the quantity of acres may be found by attending to Mr. Strother's letter of the 21st inst. and also an extinguishment of their claim to the lands mentioned in his letter of the 15th instant, which letter shews the number of acres.

WILLIE BLOUNT.

Knoxville, Oct. 30th, 1809.

Mr. Strother's letters.

Knoxville, October 15th, 1809.

To his excellency, *Willie Blount, esq.*

SIR—Agreeably to your request, I have made an esti-

mite as nearly correct as the documents in my possession will admit, of the quantity of land lying East and North of the congressional reservation lines within the state to which the Indian title is yet to be extinguished, arranged in the following manner, to wit:

East and South of the Cherokee Indian lines, to	
th: South and East boundary lines of the state,	ACRES.
5226 square miles, equal to-	3,444,640
From the South East corner of the congressional	
reservation line with the said line and the state.	
line to the Chickasaw Indian boundary line,	14,430
North of the congressional reservation line, and	
South and East of Duck and Tennessee ri-	
vers,	143,320

Making an aggregate of	3,602,890
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Of which there is 158,250 acres, lies within the lands claimed by the Chickasaw nation of Indians, the balance claimed by the Cherokee nation.

That section of country claimed by the Cherokee nation which lies below the mouth of Hiwassee river, North of the Tennessee river and the South boundary line of the state, and East and South of the Cherokee Indian boundary line in that quarter, will contain by estimation 707,200 acres, includes the heads of Paint and Crow creeks, all Battle creek, about twenty-five or thirty miles of Sequatchee river, all the waters of Little Chickamoga creek or river, together with a few more streams inconsiderable in themselves, and affords but small quantities of land fit for cultivation. The most considerable body of good land within this section of country, lies on Sequatchee river—I estimate it at 36,400 acres. On Battle creek I suppose there may be about 6000 acres—Below the mouth of Battle creek, to where I suppose the South boundary line of the state will cross the Tennessee river, will be about 1000 acres—on Crow creek and its waters about 3000 acres. On the Tennessee river from the mouth of Battle creek up to the point of the first ridge above the Sequatchee river and binding on the mountain, I suppose to be 6400 acres. On the Tennessee river in sandy places above the Sequatchee river to the Indian line, opposite the Hiwassee river, I suppose 15,000 acres. Added to this estimate 10,000 acres more.

which may be taken up in detached places, which will make an aggregate of 73 500 acres—which is all, in my opinion, and from my knowledge of the country that may be calculated on as fit for cultivation in that section of country, the balance being extremely poor-mountainous land.

I have been thus particular, to the end that the state may be apprised of the value and situation of the country North of the Tennessee river and South boundary of the state.

I am, sir, with sentiments of due respect,

Your most obt. hble. servt.

[Signed]

JOHN STROTHER:

(COPY.)

Knoxville, Octo. 21st, 1809,

SIR—From the most accurate calculation which I have been able to make from the materials in my possession, I discover that the Chickasaw nation of Indians claim within the chartered limits of the state of Tennessee 7 195 520 acres of land, which lies west of the congressional reservation line, and East of Mississippi river. 1 600 000 acres of which lies East of Tennessee river, and West and South of the congressional and Chickasaw lines to the South boundary of the state.

I am respectfully, your most obt. servt.

[Signed]

JOHN STROTHER:

H's excellency, *Willie Blount*.

The committee appointed to arrange the different amendments proposed by the committee of the whole on the bill to establish circuit courts, returned the same arranged. Whereupon a resolution was adopted, that the public printer be authorized to print two hundred copies of the said bill, together with the sundry amendments proposed thereto by the said committee of the whole for a second reading, and that the clerk of the house superintend the printing of the same.

The house adjourned until to-morrow morning, nine o'clock.

Tuesday, October 31st, 1809.

The house met according to adjournment.

Ordered, that the governor's communication of yesterday together with two letters from Mr. John Strother, be referred to the committee to whom was referred the governor's communication of the 15th instant, and that Mr. Benton be added as a committee on the part of this house on said communication. A message was sent to the house of representatives informing them thereof and asking their concurrence.

In answer to which a message of concurrence was received, naming Messrs. Williamson and Lowry a committee on their part, to act with the committee on the part of this house.

Mr. Harris introduced a bill appointing commissioners to run and mark the dividing line between the counties of White and Warren, from the mouth of Rocky river to the top of Cumberland mountain.

Also, a bill to secure the free navigation of Obad's river from Donaldson's Cove to its junction with the river Cumberland.

Mr. Shelby introduced a bill for the relief of certain persons therein mentioned.

Mr. Foster introduced a bill to authorize the mayor and aldermen of the town of Nashville to raise a sum of money by lottery, for the purpose of bringing water into said town.

Also, a bill to provide for certain debts due from the counties of Davidson and Williamson.

Received from the house of representatives, a bill to authorize Lewis Dimes to build a mill-dam across and erect a mill on Big Harpeth river.

Also, a bill to encourage the manufacture of paper.

Also, a bill to establish the permanent seat of justice in the county of Franklin.

Also, a bill increasing the jurisdiction of justices of the peace, and regulating their proceedings.

Also, a bill to authorize John Wilkinson to raise a sum of money by lottery, for the purpose of establishing a card manufactory.

Also, a bill to amend an act, entitled an act, to empower securities to recover damages in a summary way.

Also, a bill for the relief of coroners.

Also, a bill to amend an act, entitled an act, to divorce certain persons therein mentioned, passed at Knoxville the

31 of December, 1807, which were severally read the first time and passed.

Also, a bill to authorize the commissioners of the town of Columbia to make certain appropriations therein mentioned—Also, to establish a military company.

Also, a bill to regulate the officers fees therein mentioned.

Also, a bill to annex a part of Robertson county to Montgomery, and to provide for the holding of separate elections and battalion musters in Montgomery county.

Also, a bill to establish a town by the name of Frankfort, on a North Buff at the Cany Fork of the river Cumberland, on the land of Joseph Franks in White county, and for establishing an inspection of tobacco thereat.

Also, a bill to amend an act, entitled an act for ascertaining the method of proving horse and dogs, passed by the Governor, Council, and Assembly of North-Carolina.

Also, a bill for the benefit of students at the different seminaries of learning in this state.

Also, a bill appointing additional commissioners for regulating the town of Greenville, in the county of Greene.

Also, a bill to authorize John G. G. G., administrator on the estate of William G. G. G., deceased, to draw certain monies from the public treasury.

Also, a bill to amend the law concerning estrays.

Also, a bill supplementary to an act, entitled an act to establish a college in East Tennessee.

And a bill concerning divorces, which were read the second time and passed.

Also, a bill to alter the southern boundary line of Williamson county, which was read the third time and passed— which bills were severally endorsed, and sent to the house of representatives.

Also a message accompanied by a resolution that it is not expedient that the committee of revised and unfinished business should be longer continued, therefore the same is hereby discharged from all further enquiry or examination into said business, which was concurred with by this house and a message sent informing the house of representatives thereof.

Also a message informing this house that they have concurred the report of the committee of propositions and

grievances; on the petition of sundry the citizens of Carter county, praying an appropriation of one hundred dollars toward opening a road through said county to Ash court-house. In answer to which a message was sent to the house of representatives informing them that this house adhere to their concurrence in the report of the above named committee on the above named subject.

Received also a bill to alter part of the line between Hawkins and Grainger counties.

Also a bill for the better regulation of the town of Palmyra, in Montgomery county, which were read the third and last time, passed and ordered to be engrossed.

Also a bill authorizing depositions to be taken in certain cases.

Also a bill providing for the payment of witnesses attending in behalf of the state, in which the state has failed in the prosecution.

Also a bill encouraging the killing of wolves, which were severally read and passed.

Also a bill to establish academies in the counties of White, Warren, and Franklin and for the appointment of trustees thereof, which was read, and on motion withdrawn by Mr. Brown for amendment.

Also a bill to establish public inspections of Tobacco in the county of Campbell and Stewart, which was read and withdrawn by Mr. Saclby for amendment.

Mr. Foster presented the petition of Sarah Paine to a land warrant of one thousand acres, of number 1114, to part of which the heirs of Josiah Paine, deceased, are entitled to, &c.

Received from the house of representatives a petition of Joseph Bullard, jun. relative to an entry made by his father Joseph Bullard, sen. of No. 2318 which has been adjudged invalid by the first board of commissioners for East Tennessee and praying an appeal, &c.

Also a petition of sundry citizens of Claiborne county praying that certain grants may not be curtailed.

Also the petition of Charles Whitson, with documents relative to sundry land warrants issued on entries made in Carter's office, which have been examined and adjudged invalid by the commissioners of East Tennessee, and praying that the said claims may be re-examined, which petition

ets were severally read & referred to the land committee.

Also a petition of John Williams, coroner of Greene County, praying to be paid for holding an inquest on the body of an illegitimate child of Eleanor Woods. which petition was read and referred to the committee of propositions and grievances.

Received from the house of representatives a bill to divorce certain persons therein named, which was read and ordered to lie on the table.

House adjourned until to-morrow morning 9 o'clock.

Wednesday, November 1st, 1809.

The house met according to adjournment.

Mr. Porter from the committee of privileges and elections made the following report, which was read and considered with, to wit:

The committee to whom was referred the petition of Stephen Wilson, praying that the said Thomas K. Harris, who was returned as a Senator in the present general election of the State for the Senatorial district comprising the counties of Smith, Jackson, Overton, Warren, Warrick and Franklin, may be vacated, and that said Wilson may be permitted to take his seat as a Senator for said district, having leave to report, to which they have had said petition under consideration, as well as the documents accompanying the same, and find that Thomas K. Harris has a majority of the votes given in said district, and that he is eligible, having the constitutional qualifications required by the constitution of this State, to serve as a Senator, and that he the said Thomas K. Harris is duly and constitutionally elected.

Mr. Porter presented the following address of the register of the Land Office for East Tennessee, which was read, referred to the committee of finance, ordered to be entered on the journal and sent to the house of representatives, to wit:

To the honorable the Legislature of the State of Tennessee.

GENTLEMEN,

I have the honor of laying before you the amount of checks or receipts given by the treasurer for monies paid him for lands south of French Broad and Holston, which have been returned to my office, distinguishing the spe-

ties of land for which the several payments have been made.

It will appear that many of those who have made payments have not as yet returned their receipts to my office. This circumstance gives rise to the difference between our accounts. The treasurer charges himself, as the money is paid in, while it is out of the power of the register to know what is paid until the receipts are returned to him.

I have the honor to be, gentleman,

Your o'dt. h, f rvt.

EDW'D. SCOTT,

Register of the Land Office for East Tennessee.

Register's Office, N. v. 1st, 1829.

Received from the house of representatives a message insisting on their non-concurrence of the report of the committee on propositions and grievances on the petition of sundry citizens of the county of Carter, praying an appropriation of one hundred dollars toward the opening of a road through said county toward Ash county-house, North-Carolina.

Mr. Benton offered a resolution that Thomas Crutcher, Esquire, treasurer of West Tennessee, be allowed one per cent on the amount of all monies being revenue from West Tennessee, which he may deliver and pay to the treasurer of East Tennessee at the seat of government, which was read and ordered to lie on the table.

Mr. Foster introduced a bill to divorce Polly Bateman, from her husband Henry Bateman, which was read and ordered to lie on the table.

Mr. Harris introduced a bill to authorize a separate election to be held in the county of Franklin.

Also a bill to authorize Conrad Pae to cut and open a road from Clear creek, on the new turnpike road to the first of the road leading from South West Point, at Gibbs's, which were read the first time and passed.

Received from the house of representatives, a bill to authorize Lewis D moss to build a mill across, and erect a mill on Big Harpeth river, which was read the second time and passed.

Mr. Brown who withdrew for amendment a bill to establish academies in the counties of Warren, Washington, and Franklin, and for the appointment of trustees

ees thereof, returned the same with a proposed amendment, which was read and received.

Mr. Shelby, who withdrew for amendment a bill to establish public inspections of tobacco in the counties of Campbell and Stewart, returned the same with proposed amendments, which were read and received—said bills were read, the second time amended and passed—said bills were then severally endorsed and sent to the house of representatives.

Received from the house of representatives a petition of sundry citizens residing on the waters of Bull Run and its vicinity, praying a law may be passed to compel Mr. Manly to construct his mill dam across said creek so as to let fish pass and repass, &c. which was read and referred to the committee of propositions and grievances.

Also a petition of Nathaniel Taylor relative to an entry made in Carter's Office of No. 44 for 450 acres, &c.

Also the petition of Jesse Skain relative to his claim for a land warrant for services rendered while under Gen. Rutherford, as a guard in running what is called the Indian boundary line, &c. which were read and referred to the land committee.

On motion of Mr. Epton a bill to establish a county south of Maury and north of the state line, known by the name of Giles, was taken up and read, a message was sent to the house of representatives, proposing to amend the said bill by striking out the word "Giles;" the name of said county, and inserting in lieu thereof the word "Shelby." In answer to which a message of non-concurrence was received from the house of representatives.

Mr. Harle the chairman of the committee of finance reported as follows, to wit:

The committee of finance upon settling the accounts of Thomas McCarty, Esquire, Treasurer of Washington and Hamilton districts:

Resolved—That they find him chargeable with fifty nine dollars and nine hundred and sixty six cents twenty five 1/4 cents, being the amount of revenue collected from crabs and fish for the years one thousand eight hundred and seven, and one thousand eight hundred and eight. A total sum of one thousand five hundred and twenty one dollars and thirty and three fourth cents, being the

amount of tax due from sundry clerks and collectors, for the years one thousand eight hundred five, and one thousand eight hundred and six, as appears by the report of the committee of finance in the year one thousand eight hundred and seven. Also the sum of eight thousand two hundred and fifty three dollars, and nineteen cents, the amount of specie remaining in the treasury as will appear by the report of the committee of finance at their last settlement. Also the sum of five thousand seven hundred and eleven dollars sixty and one fourth cents, the amount of cash received from Thomas Crutcher, esquire, treasurer of Mero, Winchester & Robertson districts, as per receipts of said Thomas McCorry. Also, the further sum of four thousand nine hundred and sixty-three dollars, seventy-nine and one-half cents, the amount of money received for occupant claims, South of French Broad and Holston, as will appear more fully by reference to exhibit A. containing an account of colleg^e, academy and occupant monies—And that the treasurer has taken up and produced warrants, drafts, &c. chargable to the public revenue to the amount of twenty-seven thousand, nine hundred & sixty-four dollars and forty-eight cents, for which sum he is entitled to a credit. Also, that he is entitled to a credit for four hundred and twenty-six dollars, twenty-six cents, it being his commission of three per cent. on seventeen thousand five hundred and forty one dollars, fifty six cents, the amount of revenue for the years aforesaid, together, with the aforesaid sum of one thousand, five hundred and seventy-five dollars thirty and three-fourth cents, which appears to have been due from sundry clerks and sheriffs for the years 1805 and 1806. - Also, for the sum of three hundred and thirty-one dollars and twenty-six cents, amount of treasurers commission of two per cent. on fifteen thousand six hundred and sixty three dollars, fifteen and one-fourth cents, being the amount received for lands South of French Broad and Holston. Also for the sum of twenty dollars, allowed the treasurer for procuring books and sundry other articles of stationery for the use of the treasury department. Also, the sum of fifty-seven dollars, eleven and one-half cents, being the amount of his commission of one per cent. on the sum of five thousand, seven hundred and eleven dollars, sixty and one fourth cents, the sum re-

received of the treasury of West Tennessee, for the years one thousand, eight hundred and seven and eight. Also, for the sum of seven thousand, five hundred and forty-nine dollars three and one-fourth cents, being the amount of specie in the treasury.

Dr. Thomas M. Corry, esq. treasurer,

in acct. with the State of Tennessee. Dolls. Cts.

To amount of revenue collected for the years one thousand, eight hundred and seven and eight, 15,966 25 14

To amount of revenue due from fundry clks. and collectors for the years 1805 and 1806, 1,575 30 34

To amt. specie in the treasury at last settlement, as reported by the committee of finance in 1807, 8,553 19

To amount received from Thomas Critcher, treasurer of Merio, Winchester and Robertson districts, as per receipts, 3,711 60 14

To amount of cash received on occupant claims, South of French Broad and Holston, as will more fully appear—reference being had to exhibit A. containing an account of college, academy and occupant monies as reported by the treasurer to the general assembly, 4,963 79 12

Dolls. 56 470 14 34

Dolls. Cts.

By amount of vouchers, drafts, &c. produced to, and allowed by the committee, 27,964 48

By amount of treasurer's commission on dolls. 17,541 53 cts. the amount of revenue for the years 1807 and 1808, together with the sum of dolls. 1,575 30 34 cts. due from fundry clerks and collectors, for 1805 and 1806 as aforesaid at three per cent. 526 26

By the amount of treasurer's commissions of two per cent, on dolls. 15,603 15 14

Being the amt. received for lands South of French Broad and Holston,	313' 26'
By amount allowed the treasurer for books and other articles of stationery, &c.	70' 00
By amount of treasurer's commissions of one per cent. on the sum of dolls. 5,711 60	
1-4, the amt. of money received from Thomas Crutcher, esq. agreeably to a resolution of the genl. assembly,	57 11-1-2:
By amt. of specie now on hand in the treasury of Walling-on and Hamilton districts,	7,549' 00 14

Dolls. 83,470 14 34

The committee further report that a judgment has been obtained against Richard Mitchell, clerk of Hawkins county and his securities, for the sum of two hundred and twenty-four dollars and fifty nine cents, being the amount of tax collected by him for the year one thousand, eight hundred and eight. That a judgment has been obtained against Ambrose Yancey, late clerk of Grainger county and his securities, for the sum of three hundred and fifteen dollars and thirty seven cents, being the amount of tax collected by him for the years one thousand, eight hundred and seven and eight, for the payment of which sum they were indulged by an act of the general assembly passed the 20th April 1809. And also, that the present clerk of said county has made a return to the treasurer of the quantity of land, &c. returned in open court, the tax on which amounts to forty-five dollars forty-two and one half cents, which sum the said treasurer has not yet received from the collector. All of said sums the treasurer will be chargeable for when collected.

BALDWIN HARLE,
Chairman to the committee of finance.

Which report was ordered to lie on the table.

Mr. D. w from the committee of claims, made a report, which was read, and ordered to be laid on the table.

The house adjourned until to-morrow morning nine o'clock.

Thursday, November 2d, 1809.

The house met according to adjournment.

A message was sent to the house of representatives adhering to the amendment proposed by this house, to a bill to establish a county South of Maury and North of the state line, &c.

Received from the house of representatives, a message of non-concurrence—The said bill was then read the third and last time, passed and ordered to be engrossed.

A message was sent to the house of representatives, informing them that this house had taken up for the third and last reading, a bill for the benefit of students at the different colleges and academies of this state, and proposing to amend the same by striking out the words "two thirds" for the purpose of inserting the words "a majority."

In answer to which a message of non-concurrence was received.

A message of adherence to the proposed amendment was then sent to the house of representatives, and a message of non-concurrence thereto was received therefrom.

On motion of Mr. Porter, the following amendment was proposed to said bill, to wit:

Sec. 2. Be it enacted, that no student shall be suspended from the privileges he may be entitled to as such, in any college or academy in this state, except there be one half of the trustees of such institution present, and that a majority of the trustees so present, shall vote for such suspension.

A message was sent to the house of representatives informing them thereof, and requesting them, should they agree to said amendment, to send two of their body to see it made.

In answer to which, a message of concurrence was received, from the house of representatives, and stating that they had appointed Messrs. Cocke and Taylor to see the amendment made.

The said bill was then amended, read the third and last time, passed and ordered to be engrossed.

Mr. Benton from the committee of enrollments, reported the following bills as correctly engrossed, to wit:

An act to amend an act entitled "an act directing certain county lines to be run and extended." Passed Sept. 13th, 1806.

An act to encourage the building of iron-works.

An act for the better regulation of the town of Palmyra, in the county of Montgomery.

An act to alter part of the line between Hawkins and Grainger counties.

An act to secure the navigation of Richland, of Elk river.

An act for the relief of George Matlock, late sheriff of Smith county.

And, an act to alter the present dividing between Washington and Carter counties, so as to include Elihu Embree in Carter county.

Which acts were severally signed by the speaker of this house and sent to the house of representatives.

Received from the house of representatives a bill to authorize the register of the land office of East Tennessee, to issue grants to the citizens South of French Broad and Holston; and for other purposes.

Mr. Foster introduced a bill to authorize the register of West Tennessee to issue grants in certain cases.

Mr. Benton introduced a bill to authorize a separate election in the county of Williamson.

Received from the house of representatives, a bill to establish the dividing line between the counties of Campbell and Anderson.

Also, a bill directing the mode to be observed in obtaining grants in future, appointing a surveyor in each county within this State, and to provide for the adjudication of claims.

Also, a bill to compel the principal surveyors to transcribe their entries.

And, a bill for the relief of executors and administrators.

Which bills were severally read the first time and passed.

Also, a bill to amend an act for erecting a court-house and prison in the town of Clarksville in the district of Robertson.

Also, a bill to amend an act entitled an act to empower justices to recover damages in a summary way.

Also, a bill to authorize the mayor and aldermen of the town of Nashville to raise a sum of money by lottery, for the purpose of bringing water into said town.

Also, a bill to encourage the manufacture of paper.

Also, a bill to provide for certain debts due from the counties of Davidson and Williamson.

Also, a bill to secure the free navigation of Obad's river from Donaldson's Cove to its junction with the river Cumberland.

Also, a bill to authorize John Wilkinson to raise a sum of money, for the purpose of establishing a card manufactory.

Also, a bill to ascertain the mode of trying the right of property in certain cases.

And, on motion of Mr. Benton, a bill to establish a county South of Bedford, called Fayette, was taken up.

Which bills were severally read the second time.

Also, a bill to annex part of Robertson county to Montgomery, to provide for the holding of separate elections and battalion musters in Montgomery county.

And, a bill appointing additional commissioners for regulating the town of Greeneville, in the county of Greene.

Which were read the third time.

The above named bills were then endorsed and sent to the house of representatives.

Also a bill concerning divorces, which was read and ordered to lie on the table.

Mr. Harris presented a petition of John B. Cross, Sheriff of Overton county, relative to money by him paid for taxes, which he has not been able to collect. Which was referred to the committee of propositions and grievances.

Mr. Sevier presented an account of John B. Hood for doing sundry printing for the state. Which was referred to the committee of claims.

The house adjourned until to-morrow morning nine o'clock.

Friday, November 3d, 1809.

The house met according to adjournment.

Mr. Henderson from the committee of propositions and grievances reported—

That the petition of Jim. Dudley, praying to be released from a forfeited recognizance.

And, the petition of sundry citizens of the town of Nashville, praying they may be authorized, by lottery, to raise a sum of money sufficient to defray the expence of conveying water into said town—

Are reasonable and such as should be granted. Which report was concurred with.

That the petition of John Williams, coroner of Greene County, praying compensation for holding an inquest on the body of an illegitimate child supposed to be murdered by Eleanor Wood—also, for keeping said Eleanor in custody six months, and who did not possess any property from which he could collect his fees, is also reasonable.

And that the petition of sundry citizens of the State, praying that absconding debtors may be compelled to give security, is unreasonable—Which reports were non-concurred with.

All of said reports were sent to the house of representatives.

Mr. Harris moved for leave, and introduced a bill for the relief of John B. Cross, Sheriff and collector of the county of Overton, which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill appointing commissioners to run and mark the dividing line between the counties of White and Warren, from the mouth of Rocky river to the top of Cumberland mountain. Which was read the second time, passed and sent to the house of representatives.

Mr. Harris presented a petition of sundry citizens of Overton county, praying an alteration in the judiciary system of this State—which was read and sent to the house of representatives.

On motion, the house resolved itself into a committee of the whole on a bill to establish circuit courts, Mr. Henderson in the chair.

And after some time spent therein, Mr. Speaker resumed the chair—

And, Mr. Henderson reported that they had had said bill under consideration, and made sundry amendments thereto, and asked leave to sit again.

The house adjourned until to-morrow morning, nine o'clock.

Saturday, November 4th, 1809.

The house met according to adjournment.

Mr. Foster introduced a bill for the relief of such persons as have or may, suffer by their grants, deeds, and conveyances, bills of sale, or other instruments of writing, not being proved or registered in this state, which was read the first time, passed and sent to the House of Representatives.

Received from the House of Representatives, a message proposing an amendment to a bill to annex a part of Robertson county to Montgomery, and to provide for the holding of separate elections and battalion musters in Montgomery county, and requesting this house, should they agree to said amendment, to send two of their body to see it carried.

Which was concurred with. Messrs. Shelby and Brown appointed to see the amendments made, and a message was sent informing the House of Representatives thereof.

Also a message, accompanied by a resolution, that the executive of this state be required to cause to be purchased for the use of the state, Hopson's lately improved sextant—a compass—invented by Rittenhouse—and a nautical Almanac or ephemeris calculated for the years 1810 and 1811—to be used in ascertaining the latitude between this state and the State of Kentucky, and that he be, and is hereby authorized and required to engage one fit and skillful mathematician, to take the latitude aforesaid—whose duty it shall be to make report of his proceedings to the executive of this state, for his information and government touching the running of said line agreeably to the provisions of a law of the state, passed November the 31, 1803.

Which resolution was ordered to lie on the table.

Received from the House of Representatives, a petition, praying for the establishment of circuit courts—which was read and ordered to lie on the table for the consideration of the house.

Also, a message, stating that they did not agree with this house in non-concurring the report of the committee.

of propositions and grievances which respects the petition of John Williams, coroner of Greene county, but proposing to concur with the same.

In answer to which a message was sent to the house of representatives, informing them that this house adhere to their non-concurrence with the above report.

Mr. Foster, who withdrew for amendment, a bill to authorize commissioners to loan certain moneys, returned the same with a proposed amendment as a substitute for the two first sections of said bill—which was read, and on the question, that said amendment be received—the yeas and nays being called for, were as follows, to wit:

Yeas—Messrs. Foster, Henderson, Harris, Shelby, Dew and Benton.

Nays—Messrs. Brown, Harmon, Little, Stiver, Porter, and Stephenson.

The speaker took time to advise on the subject—the consideration of the bill was then suspended therefor.

On motion of Mr. Foster, a resolution to authorize the executive to subscribe for ——— shares of the Nashville bank, was taken up, read and ordered to lie on the table.

The house adjourned until Monday next, ten o'clock.

Monday, November 6th, 1809.

The house met according to adjournment.

Mr. Stephenson introduced a bill for the relief of Thomas Fredwell.

Also, a bill to appropriate a sum of money therein mentioned, for the purpose of opening a road from Elizabethton in Carter county to Julius Duggar's.

Mr. Brown introduced a bill to appoint additional trustees for the Rittenhouse academy, in the county of Roane.

Also, a bill to authorize the court of Roane county to lay a tax for the purpose of building a court-house and stocks, and for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same.

Mr. Shelby introduced a bill for the encouragement of bringing books into this state.

A bill extending further the right of preference to occupants, which was ordered to lie on the table, was taken up.

Received from the house of representatives, a bill to repeal an act to amend an act entitled an act making provision for the payment of jurors to the county court—passed April 20th, 1899—which bills were severally read the first time and passed.

Also a bill to authorize the register of West Tennessee to issue grants in certain cases;

Also a bill for the relief of John B. Cross, sheriff and collector for the county of Overton.

Also, a bill to authorize General P. L. to cut and open a road from Clear creek on the turnpike road, to intersect the leading road from South West Point at G. B. Smith's.

And, a bill to authorize a separate election, to be held in the county of Franklin.

Which bills were read the second time and passed.

Also a bill appointing commissioners to run and mark the division line between the counties of Warren and White, from the mouth of Rocky river to the top of Cumberland in north— which was read the third time—

And, all of said bills were then indorsed and sent to the house of representatives.

Also, a bill to amend an act for erecting a court-house and prison in the town of Clarksville for the district of Robertson—which was read the third and last time and ordered to be engrossed.

A message was sent to the house of representatives, informing them that this house had taken up for the third and last reading, a bill granting John Wilkison and James Lyon certain privileges therein mentioned, and proposing sundry amendments thereto, and requesting them, should they agree to said amendments to send two of their body to see them made.

In answer to which a message of concurrence was received from the house of representatives, stating that they had appointed Messrs. Smith and Lowry to see the amendments.

The said bill was then amended, read the third and last time, passed and ordered to be engrossed.

Received from the house of representatives, a bill to

authorize merchants to take out licence for a shorter space than one year, which was read and rejected.

Also the claim of Joseph Flemming and David Darwin, for their attendance as witnesses in state cases.

Also, the claim of Andrew M. Lusk clerk to the commissioner of East Tennessee, for stationary, room rent, &c.

Which were read and referred to the committee of claims.

Also, a petition of fundry citizens of Claiborne county, praying that an office of inspection may be established at col. James Roddie's, on Powell's river—which was read and referred to the committee of propositions and grievances.

Mr. Shelby presented a petition of fundry citizens of West Tennessee, praying a longer time to be given for filing claims, &c. which was read and referred to the land committee and sent to the house of representatives.

Received from the house of representatives, a bill to authorize the mayor and aldermen of the town of Nashville, to raise a sum of money by lottery for the purpose of bringing water into said town, which was read the third time, passed and sent to the house of representatives.

Received from the house of representatives, a resolution that his excellency John Sevier, late governor of this state, be requested to lay before this legislature, the amount of money by him drawn, in conformity to an act, passed the 3^d of December 1807, making provision for the extinguishment of the Indian claim to lands within the limits of this state, and how the same has been appropriated which was concurred with.

Also, a resolution, that no bill shall be received in either house for the first reading, after Monday the 13th instant.

And, a resolution that no member of this general assembly shall draw any money from the treasury of this state, for his attendance at Knoxville after Saturday the 18th of this instant.

Which last resolutions were non-concurred with, a message was sent to the house of representatives informing them thereof.

On motion of Mr. Harle, the report of the committee of finance, which was ordered to lie on the table, was taken up concurred with and sent to the house of representatives.

The consideration of the amendment proposed by Mr. Foster, to the bill to authorize commissioners to loan certain monies was resumed—when the speaker decided in the negative.

On motion of Mr. Foster, the said bill was then withdrawn by him for amendment.

The hon. Robert Houston, secretary, delivered to the speaker of this house, the following communication from his excellency the governor, together with a letter from the secretary to his excellency.

The communication was ordered to be entered on the journal, to wit:

*Mr. Speaker, and Gentlemen of the senate, and
Mr. Speaker and Gentlemen of the house of representatives,*
PHIL W. CHAZINS,

It would seem that timely systematic and liberal rule in behalf of the militia of this state, should be prescribed by your honorable body for their relief. I mean of me plan by which the commissions to the officers could be forwarded to them free of expense of postage. Sometimes there is a difficulty in forwarding them by mail, or they do not get them in due time to appear at musters, appointed by law to be held—in which cases, the secretary puts up in one packet, say from ten to twenty commissions, which he delivers to the commanding officer of the regiment. The postage on each commission, is the same as on a single letter. If the officer pays the postage it is all right; if he does not, and sometimes it is the case that he does not, the consequence is, that the persons elected to whom the commissions are thus forwarded, have it not in their power to enter on a discharge of their duty required by law of them to perform—hence the militia are not as well disciplined as could be wished. The well ordering and regular state of this description of men is all important—our camp is a body which constitutes the sole strength of the government, and sound policy dictates the propriety of affording every attention and its

heral indulgence which may be in the power of the legislature to grant. I herewith transmit for your information, the copy of a letter from the secretary of state on this subject of grievance, which also states the rate of postage. There would be a saving of money and of time to many of the people of this state, the convenience of all promoted and the interest of the state placed on a better basis than it is at present, if your honorable body would authorize a purchase to be made from the secretary of N. Carolina, of a copy (to be entered in well bound books) of all grants issued by that state for lands situate within the limits of this, regularly certified by him to be a true copy from the records in his office, and also a certificate from him of the date of survey, names of the surveyors and chain carriers returned to his office on each plat, the number and date of each warrant and warrantees name, filed in his office, together with a copy of the assignments on each warrant, and make such transcript evidence. One reason among many others, which might be safely alledged why this state should have possession of those vouchers is, that our laws require copies of them to be exhibited by individuals in support of their claims before the commissioners, to enable them to judge correctly and pass on their claims with justice to the individual and with safety to the interest of the state. For individuals to procure such copies from N. Carolina at their own expence, which they have done and must hereafter do, as occasion has or may require, is very burthenfome. To do it requires much time, puts the citizens to extraordinary inconvenience, imposing great trouble, and subjects them to much fatigue. The time taken to afford them an opportunity of filing those evidences of their claims with the commissioners, has probably been one reason of keeping those offices open at so great an expence to the state.—It is believed that such transcript would not cost the state as much as is paid by these individuals who must of necessity have copies from N. Carolina in one year—that is, judging of future demands by the past, the money which they are necessitated to pay is so much lost to the state, for it is so much carried from amongst us, no part of which perhaps will ever return, and this must continue to be the case in a greater or less degree, until we get possession of those vouchers. Some ideas

of the sums of money thus sent away for fees and postage, can be found from the statement, as appears below, to wit: copy of one grant obtained by mail, fee to the secretary for each search and certificate 20 cents, each copy 50 cents, testimonial and state seal one dollar, to which add the postage of a letter requiring the copy (which the writer has to pay) from 20 to 25 cents the postage back, with the necessary inclosures 30 cents, making in all 2 dollars 75 cents. If one who wants a copy goes in person, which is often done, the cost is in a ten fold degree. Taking information which I have received of the number of copies necessary to be had in one year, as data to found our opinion on, it is a calculation within the bounds of moderation to say, that upwards of 4 000 dollars are annually carried out of the state for the aforesaid purpose, which is a very oppressive tax to pay. If Tennessee had the transcript, and it placed under proper regulation, the cost would soon be refunded to the state, and a doubt need not be entertained of its producing much revenue.

WILLIE BLOUNT.

Knoxville, 6th Nov. 1809.

A message was sent to the house of representatives informing them this house had referred the above communication together with the letter from the secretary to the governor, to the committee who have under consideration his excellency's last communication.

In answer to which a message of concurrence was received from the house of representatives.

Received from the house of representatives, an address from the president, vice-president and trustees, of Greenville College, which, together with the bill to which it has allusion, was ordered to be entered on the journal, and are as follow, to wit:

We the undersigned, trustees of Greenville college, beg leave to state, that that we should deem it as inconsistent with our public duty as our personal feelings to remain silent under certain dishonorable imputations which we are told have been made against us with such effect as to prevent the prayer of our late petition from being granted.

A bill, which comprehended the substance of our peti-

sion was introduced, we understand into the house of representatives, and passed without opposition; but such amendments, we are informed were annexed to it, in the senate as would have taken out of our hands the business allotted us in the charter, and destroyed the essential powers of our corporation.

This we are informed by several channels, and we feel ourselves constrained to believe, were added in consequence of such misinformation, as induces some members to suspect that we needed more inspection than our charter has provided for, or than is usual in similar cases—and that a few of our board wished, if we may repeat the statement which has reached us, “to have the entire controul of the funds, and the appointment of president and vice president, so as to prevent the public from knowing in what manner the business of the college is carried on.”

This insinuation, from whatever source it may have proceeded, is totally and entirely unfounded.

It was the great inconvenience we have experienced from getting together, eight members to make a board on every occasion, when the plainest & most ordinary business was to be done, that occasioned our desire to have authority to act with five. We have too much confidence in each other, and transact our affairs with too much candor and harmony, to take advantage of absent members in the manner insinuated—It would, of course, be our wish & aim, to make elections, and transact all business of extraordinary importance at the fullest meetings possible—and in all such cases, the restriction to eight instead of five, according to one amendment of the bill, would not in the least degree have interfered with the objects of our petition. As to the funds, it must be in the recollection of some present members of both houses, that on a former occasion, when we solicited the patronage of the legislature, we made a particular statement in our memorial—For the information of new members—we shall now make a small quotation, “The money at interest for the continual use of the college, is between six and seven thousand dollars, yielding annually, about four hundred dollars, which sum is divided equally between the president and vice-president, and is the principal compensation for their stated services.”—To this we would add, that this fund is now vested in the

stock of the Union Bank of Maryland in Baltimore, and that the whole interest for six months at the last semi-annual payment amounted only to two hundred and sixteen dollars, although the present bank-stock is more advantageous than the stock which we formerly held of the U. States. It is also important to subjoin, that in no year hitherto, since the fund has been in existence, either the president or vice-president, has received the amount of one hundred and thirty dollars from the tuition bills and all other stated incomes of the college, besides the abovementioned interest of the fund.

Both the funds and tuition bills are yet so incompetent to support instruction in the college that the teachers are dependent very considerably on other resources for comfortable subsistence. No trustee receives any thing for attendance in the board.

The donations from benefactors in this state, are not all of them paid, and such as have been received, have been used altogether to discharge the debts of the college, and not to compensate instructors.

It has been our constant aim faithfully, uprightly and honorably to discharge the duties of our trust, and by all the resources in our power, to render our institution a public benefit—in this we seek our reward.

We sincerely think it will be found hereafter, on the most careful inspection, that the amendments already proposed by us, should be added to the privileges of our charter. From this consideration, and for the information of others, who may be members of the legislature in future, we have thought it an indispensable duty to forward this address, to wipe away from your minds the impression alluded to, and while we criminate no one, whether in your body or elsewhere, we pray that this communication with our names undersigned, may be placed on your journals.

Heziah Balch, P.

Chas. Coffin V. P.

Jos. Hamilton,

Wm. Dickson,

Jno. A. McKenny,

Val. Sevier,

Geo. Duffield,

Jos. Temple,

A. P. Fore,

John Cass,

Jno. Russell,

Greene county, 28th Oct. 1809.

On motion the following resolution was adopted and ordered to be entered on the journal.

Whereas, it is represented to this general assembly, by an address from the trustees of Greeneville College, that unfavorable statements have been made to this house respecting the good conduct and transactions of that body towards the ben-efit and promotion of that institution—

Resolved therefore, That it is unanimously the sense of this house, that all such insinuations and reports are incorrect and without foundation, and that no such representation has been made or alledged against the trustees of Greeneville College.

A bill supplemental to an act, entitled an act to establish a College in Greene county in the territory of the United States, south of the river Ohio, passed Sept. 3d, 1794.

Sec. 1st. *Be it enacted,* by the general assembly of the State of Tennessee, That the President or Vice-President of the College (as the case may be) with any four or more of the trustees, shall form a *chorum* adequate to the transaction of any business of the corporation.

Sec. 2d. *Be it enacted,* That it shall be a duty of the president (and in case of his absence disability or death) of the vice-president, to call a board at the request of any three of the trustees, and at each meeting, in case of the absence of the president, the vice-president shall preside.

Sec. 3d. *Be it enacted,* That the board of trustees shall have the same power to confer the different degrees which is commonly vested in the trustees of other colleges, and the instructors, students, &c. shall be entitled to the same privileges, liberties and immunities, to the same extent in all respects as those of any other college in this state.

Here follows the amendment proposed to said bill.

And whereas it would conduce to the promotion of said college that the trustees should exhibit to this general assembly the situation of their institution—

Sec. 4th. *Be it enacted,* That the trustees of said college be privileged to make a report to the next and every stated session of the general assembly, the situation of said institution, the amount of capital, and every disposition that has or may be made of all or any part of said funds.

The house resolved itself into a committee of the whole, on a bill to establish Circuit Courts, Mr. Henderson in the

Chair, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Henderson reported, that the committee had had the bill under consideration, made progress therein, and asked leave to sit again.

The House adjourned until to-morrow 9 o'clock.

Tuesday, November 7th, 1809.

The house met according to adjournment.

On motion, the house resolved itself into a committee of the whole, on the bill to establish Circuit Courts, Mr. Henderson in the Chair, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Henderson reported, that the committee had had said bill under consideration, and had made sundry amendments thereto, which he delivered in at the clerks table, and asked leave that the committee sit again. A special committee was then appointed, consisting of Messrs. Brown and Porter, to reduce said amendments to form, &c.

Mr. Dew introduced a bill for the relief of the heirs of Willie Cherry.

Received from the house of representatives, a bill for the relief of William Acklin.

Also, a bill to annex to the town of Blountsville, certain lands.

Also, a bill to authorize the courts of the several counties in this state, to lay a tax for repairing the court-houses, prison and stocks, in their counties.

Also, a bill to appoint commissioners for the town of Monroe, in the county of Owen.

Also, a bill authorizing the purchase of a bell and clock for the court house in Columbia.

Also, a bill directing the commissioners of East Tennessee to issue a land warrant to William Sutzler of Sullivan county.

Also, a bill to amend the land law.

Also, a bill for the relief of Sterling Brewer.

And, a bill directing the descent of intestates estates in certain cases—which bills were severally read the first time and passed.

Also, a bill to authorize a separate election in the county of Williamson.

Also, a bill extending further the right of preference to occupants.

A bill to repeal the third, eighth and ninth sections of an act, entitled an act, for appointing commissioners to superintend the opening and keeping in repair, that part of the road leading from Virginia and North-Carolina to Kentucky, which lies between the Cross Roads, at a place called Bean's Station in Grainger county, and the ford of Sycamore creek in Claiborne county, which was ordered to lie on the table, was taken up—which bills were severally read the second time and passed.

Received from the house of representatives, a bill to secure the free navigation of Obey's river, from Danelson's Cove to its junction with the river Cumberland, which was read the third time and passed.

Also, a bill for the relief of John B. Cross, sheriff and collector of the county of Overton.

Also, a bill to establish a town by the name of Petersburg, on a north bluff of the Caney Fork of the river Cumberland, on the land of Joseph Branks, in White county, and for establishing an inspection of tobacco thereat—which were read the third time, amended and passed.

Also, a bill increasing the jurisdiction of justices of the peace, and regulating their proceedings—which was read the second time, amended and passed. The said bills were then endorsed, and sent to the house of representatives.

Also, a bill to authorize Lewis Demoss to build a dam across and erect a mill on Big Harpeth river, which was read, and on the question being put, shall this bill pass? the yeas and nays being called for, were as follows, (to wit:)

Yeas—Messrs. Foster, Harris, Sevier and Dew—4.

Nays—Messrs. Brown, Harmon, Henderson, Porter, Shelby, Benton and Stephenson—7.

The bill was then rejected.

Also, a bill to amend an act entitled an act, to divorce certain persons therein mentioned, passed at Knoxville the 31 of December, 1807, which was read and rejected.

Also, a bill to ascertain the mode of trying the right of property in certain cases, which was read and withdrawn by Mr. Porter for amendment.

Also, a bill to establish public inspections of tobacco in

the counties of Campbell and Stewart, which were read the third and last time, passed and ordered to be engrossed.

Also, a bill to amend an act, entitled an act to empower securities to recover damages in a summary way.

A message was sent to the house of representatives, proposing sundry amendments thereto, and requesting them should they agree to them, to send two of their body to see them made.

In answer to which a message of concurrence was received from the house of representatives, and stating that they had appointed Messrs. Cocke and Tipton to see the amendments made—The said bill was then amended, read the third and last time, passed, and ordered to be engrossed.

On motion of Mr. Harris, the resignation of William Marchbanks as a commissioner for the town of Monroe, was taken up, read and received.

Received from the house of representatives, a bill to authorize Conrad Pile to cut and open a road from Clear creek on the turnpike road, to intersect the leading road from South West Point at Gibson's—which was read and withdrawn by Mr. Harris for amendment.

The house adjourned until to-morrow morning, nine o'clock.

Wednesday, November 8th, 1809.

The house met according to adjournment.

Mr. Henderson from the committee of propositions and grievances, reported that,

The petition of sundry citizens of Claiborne county, praying an inspection of tobacco to be established at col. James Roddy's on Powell's river.

And, the petition of sundry citizens of Wilson county, praying to be annexed to Rutherford county, are reasonable and such as should be granted.

And, that the petition of sundry citizens of Bull Run, praying that Manatee's mill dam be removed, or a way opened, by which the fish may have a passage up the said creek, is unreasonable, and such as *should* be granted.

Mr. Benton, from the committee of enrollments, reported the following bills as correctly engrossed.

An act to prevent the drawing of private lotteries.

An act to secure the free navigation of Obed's river.

from Donaldson's cove to its junction with the river Cumberland.

An act amendatory to the laws now in force for the regulation of the town of Jonesborough.

An act to authorize the mayor and aldermen of the town of Nashville to raise a sum of money by lottery, for the purpose of bringing water into said town.

An act authorizing a separate election in the county of Dickson.

An act appointing commissioners to run the line between the counties of Stewart and Humphreys.

An act to alter the name of the town of Barrville in the county of Anderson.

An act for the relief of the citizens residing South of French Broad and Holston, between the rivers Big-
Pigeon and Tennessee.

An act regulating the sale of lands for taxes.

An act to alter the southern boundary line of Williamson county.

An act appointing additional commissioners for regulating the town of Greeneville in the county of Greene.

An act to annex a part of Robertson county to Montgomery, and to provide for the holding of separate elections and battalion musters in Montgomery county.

And an act appointing commissioners to run and mark the dividing line between the counties of White and Warren, from the mouth of Rocky river to the top of Cumberland mountain.

Which acts were severally signed by the speaker of this house and sent to the house of representatives.

On motion of Mr. Porter, the house resolved itself into a committee of the whole, on the bill to establish circuit courts—Mr. Henderson in the chair.

Whereupon, the special committee appointed to arrange the amendments proposed in the committee of the whole of yesterday, reported that they had performed that duty, and presented the amendments, which were received.

Mr. Speaker then resumed the chair, and Mr. Henderson reported that the committee had had said bill under consideration and had completed the amendments thereto. The bill was then read the second time, amended, passed and sent to the house of representatives.

Mr. Benton presented the memorial of Jos. Dickson in behalf of the Bradley academy in the county of Rutherford, praying the legislature to loan them the sum of six hundred dollars for the term of two years, without interest, which was read and ordered to lie on the table for consideration.

Mr. Benton introduced a bill for the relief of George Martin, Amos Balch and Richard Martin.

Received from the house of representatives a bill for the benefit of delinquent jurors.

Also, a bill more effectually to prevent frauds in elections.

Which bills were severally read the first time and passed.

Also, a bill directing the descent of intestate estates in certain cases—which was read the second time.

The said bills were then indorsed and sent to the house of representatives.

Mr. Harris who withdrew for amendment, a bill to authorize Conrad Pile to cut and open a road from Clear creek, on the new turnpike road, to intersect the leading road from South West Point at Gibson's returned the same. The said bill was then ordered to lie on the table.

Received from the house of representatives a bill increasing the jurisdiction of justices of the peace, and regulating their proceedings, which was read, and on motion, withdrawn by Mr. Foster for amendment.

Also, a bill extending further the right of preference to occupants—which was read and withdrawn by Mr. Porter for amendment.

Also, a resolution that it shall be the duty of the principal surveyors of this state, to endeavour to inform themselves of the quantity of vacant land within their several districts, fit for cultivation, and report the same to the next legislature.

Which resolution was read and ordered to lie on the table for consideration.

Also, a petition of Isaac Price, relative to his having paid tax for land, which he was not bound to do, &c. and praying relief, &c.

Also, a petition of John Shadrock, James Guins, and others, men of color, praying to have the privilege of proving their accounts—which were read and referred to the committee of propositions and grievances.

Also, a message, stating that they had taken up for the

third and last reading, a bill to establish a town on a North Bluff of the Caney Fork of the river Cumberland, &c. and proposing to amend the same by striking out the word Little town as the name of said town, for the purpose of inserting Frankfort, and requesting this house, should they agree to said amendment, to send two of their body to see it made.

Which was non-concurred with and a message sent to the house of representatives informing them thereof.

Mr. Stephenson introduced a resolution, that this general assembly will not act upon any bill which shall be introduced after Monday next.

And on the question, will the house adopt the resolution—the yeas and nays being called for were as follow:

Yeas—Messrs. Foster, Harmon, Shelby, Dew, Benton and Stephenson.

Nays—Messrs. Brown, Henderson, Harle, Harris, Seair, Porter and Mr. Speaker.

Received from the house of representatives a message relating on the amendment by them proposed to a bill to establish a town on a North Bluff of the Caney Fork of Cumberland, &c.

The house adjourned until to-morrow morning, nine o'clock.

Thursday, November 9th, 1809.

The house met according to adjournment.

Received from the house of representatives, a bill to repeal a part of the third section of an act passed the 30th of Nov. 1807, entitled an act for the relief of Christopher Haynes and others.

Also, a bill to regulate law proceedings.

Also, a bill for the relief of Joshua Scott and Hugh Crawford.

Also, a bill for the relief of Jesse Skeen and George Marshall.

Also, a bill for the relief of the coroners of the state.

Also, a bill to repeal an act passed the third of December, 1807, making provision for the extinguishment of the Indian claims to lands within the limits of this state.

Also, a bill directing where the office of the surveyor general for the third district shall be kept after the first of January next.

Also, a bill for the relief of John Williams, coroner of Greene county.

Also, a bill to compel the proprietors of the turnpike road, leading from South West Point to Cumberland river, to erect certain bridges.

Mr. Porter introduced a bill to authorize the drawing of a lottery for the benefit of East Tennessee college.

Mr. Benton introduced a bill to authorize the county court of Williamson to appropriate certain money.

Which bills were severally read the first time and passed.

Received from the house of representatives, a bill for the relief of the heirs of Willie Cherry, dec.

Also, a bill for the relief of William Acklin.

Which were read the second time and passed.

Mr. Henderson, who withdrew for amendment a bill for the purpose of laying a tax in Claiborne county, and for other purposes, returned the same with a proposed amendment, which was read and received. The said bill was then read the second time, amended and passed. The bills above recited were then endorsed and sent to the house of representatives.

Received from the house of representatives a bill to bring into review, the several laws relative to estrays, and to amend the same, which was read and rejected.

Also, a bill to amend an act entitled an act for ascertaining the method of proving book debts, passed by the governor, Council and Assembly of North-Carolina, in the year 1756, which was read and withdrawn by Mr. Harris for amendment.

Also, a bill for the relief of such persons as have or may suffer by their grants, deeds, marine conveyances, bills of sale, and other instruments of writing not being proved or registered in this State—which was read and withdrawn by Mr. Porter for amendment.

Also, a bill for the relief of Sterling Brewer, which was read, and the bill being cited on its passage, the speaker took time to advise. The bill was then ordered to lie on the table.

Also, a bill to authorize the commissioners of the town of Columbia to make certain appropriations therein mentioned—Also, to establish a mill-ery company.

Also, a bill to authorize John Gais, administrator of the

estate of Wm. Gass, dec'd. to draw certain monies from the public treasury.

A fr, a bill to encourage the manufacture of paper, which was severally read the third and last time, passed, and ordered to be engrossed.

On the passage of the last named bill, the yeas and nays being called for were as follow, to wit:

Y es—Mr. S. Brown, Foster, Henderson, Harle, Hargis, Sevier, Porter, Shelby, Dew, Benton and Stephenson.

Nay—Mr. Harmon.

Mr. Harmon said the following as his reason for voting against the last named bill, to wit:

My reason for voting against the passage of the above bill is, because from my present feelings it would be conflicting to an exclusive privilege of one citizen over that of another. On the other hand, I would wish it to be understood, that I as an individual shall always feel happy to see manual labor encouraged, but at the same time think it right that they should bear their proportionable part of the public burden.

JOHN HARMON.

A message was sent to the house of representatives, informing them that this house had taken up for the third and last reading, a bill supplemental to an act, entitled an act to establish a college in E. Tennessee, and proposing sundry amendments thereto, and asking their concurrence. In answer to which a message of non-concurrence was received. The bill was then ordered to lie on the table.

Mr. Foster presented the petition of William T. Lewis, relative to an entry No. 1783, issued from John Armstrong's office, and praying that the legislature will pass a law authorizing the commissioner to issue a certificate, &c.

And also, another petition of the said Lewis, relative to a land warrant from said office, of No. 1842, for 640 acres, issued from the office aforesaid, which were read and ordered to be sent to the house of representatives.

Received from the house of representatives the petition of Zachus Wilson, relative to a certain land claim of 640 acres, which is included in a survey of 4800 acres, belonging to Thomas Hogg, &c. which was read and ordered to lie on the table.

A message was sent to the house of representatives informing them that this house had taken up for the third

and last reading, a bill regulating the manner of praying appeals and the proceedings thereon, and proposing sundry amendments thereto, and asking their concurrence.— In answer to which a message of concurrence was received from the house of representatives, and stating that they had appointed Messrs. Frierson and M'Campbell to see the amendments made. Said bill was then passed and ordered to be engrossed.

Received from the house of representatives, an address of this legislature to the president of the United States, accompanied by a resolution that a copy of said address be furnished the governor of this state, with a request that he will cause the same to be transmitted to the president of the United States—which were read and ordered to lie on the table for consideration.

The house adjourned until to-morrow morning nine o'clock.

Friday, November 10th, 1809.

The house met according to adjournment.

Mr. Porter introduced a bill to repeal the first and seventh sections of an act passed at Knoxville the first of December, 1807, entitled an act providing for the election of commissioners in the town of Kingston, and other purposes, and to appoint commissioners for the town of said.

Mr. Foster introduced a bill to repeal an act entitled an act to restrain the keeping too great a number of horses and mares, and for amending the breed, passed at Edenburgh the 23d day of November, 1723.

Received from the house of representatives, a bill for the relief of Robert Wier.

Also, a bill for the relief of the heirs of Andrew Taylor.

Also, a bill to fix on the seat of justice at the centre in the county of Rutherford, which were severally read the first time and passed.

Also, a bill to repeal a part of the third section of an act passed the 30th of November, 1807, entitled an act for the relief of Christopher Haynes and others.

Also, a bill to annex to the town of Blountsville certain lands.

Also, a bill for the encouragement of bringing books in this state.

Also, a bill to authorize the courts of the several counties in this state, to lay a tax for repairing the court-house, prison and stocks in their counties.

Also, a bill appointing commissioners for the town of Monroe, in the county of Overton.

Also, a bill authorizing the purchase of a bell and clock for the court-house in Columbia.

And, a bill directing the commissioners of East Tennessee to issue land warrant to William Sitzler of Sullivan county—which were severally read the second time and passed.

Also, a bill to reduce the limits of Bedford county, and to establish its permanent boundaries.

Also, a bill to establish a county south of Bedford, to be known by the name of Lincoln.

Also, a bill to authorize a separate election in the county of Williamson, which were read the third time, amended and passed.

Said bills were then engrossed and sent to the house of representatives.

On motion of Mr. Drew, the caption of a bill to amend the stay law, which on yesterday was ordered to lie on the table until the next general assembly, was re-considered, and on motion, withdrawn by Mr. Harris for amendment.

The honorable Robert Houston, Secretary, delivered to the speaker of this house, the following communication of his excellency the Governor, to wit:

*Mr. Speaker, and Gentlemen of the Senate, and
Mr. Speaker and Gentlemen of the House of Representatives,
FELLOW-CITIZENS,*

My predecessor in office has purchased and contracted for one thousand five hundred pounds of gun-powder, for the use of the state, under special authority to do so—part of it has been delivered to the secretary of state; another part is shortly to be delivered him, say six hundred weight; the residue, altho' purchased, has not had a place of delivery pointed out, which is left open for the discretion of the legislature, and it rests with your honorable body to make an appropriation in compensation to him, when the

whole shall have been delivered at such place as may by you be designated as a place of deposit, on the delivery of which he expects to be compensated. I herewith transmit a copy of his letter of the 2d instant, which states the purchase, cites the authority under which he acted, and furnishes information of the sum he is pledged to pay for the powder. It does not appear that any part of the lead has been purchased—An expression of the will of the Legislature on that point, would prove acceptable to the present executive, as they can best judge of the probable necessity for that or any other quantity of lead.

WILLIE BLOUNT.

Knoxville, Nov. 9th, 1809.

Which was referred to the committee who have under consideration his excellency's last communication, and ordered to be sent to the house of representatives.

The house adjourned until to-morrow morning nine o'clock.

Saturday, November 11th, 1809.

The house met according to adjournment.

Received from the house of representatives, a message stating that they had taken up for the third and last reading, a bill to establish a town on a north bluff of the Caney fork of the river Cumberland, and proposing to strike out the word *Littleton* as the name of said town, for the purpose of inserting "*Petersburgh*," and requesting this house, should they agree to said amendment, to send two of their body to see it made.

Which was concurred with by this house, Messrs. Stephenson and Harris appointed to see the amendments made, and a message was sent to the house of representatives informing them thereof.

Also, a message stating that they had taken up for the third and last reading, a bill to establish a county south of Bedford, &c. and proposing to amend the same by striking out the word *Fayette*, as the name of said county, for the purpose of inserting *Lincoln*, &c. which was non-concurred by this house, and a message sent to the house of representatives informing them thereof.

Mr. Foster introduced a resolution that no bill shall be received after Thursday next, for the purpose of being act-

ed upon during the present session of the general assembly. A message was sent to the house of representatives informing them thereof, and asking their concurrence. In answer to which a message of concurrence was received from the house of representatives.

A bill to increase the jurisdiction of justices of the peace, &c. which was withdrawn by Mr. Foster for amendment, was returned, and on motion withdrawn by Mr. Harle for amendment.

Mr. Harris introduced a petition of sundry citizens of White county, relative to opening a certain road therein mentioned, and for erecting a turnpike thereon, which was read and ordered to be sent to the house of representatives.

Received from the house of representatives, a bill for the relief of Thomas Tredwell, which was read and rejected.

Also, a bill to repeal part of the third section of an act passed the 30th of Nov. 1807, entitled an act for the relief of Christopher Haynes and the other persons therein named, which was read and withdrawn by Mr. Foster for amendment.

Also, a bill to authorize the justices of the peace of county courts to lay a tax for the purposes therein mentioned, and to appoint commissioners for a certain purpose.

And, a bill to annex to the town of Bountsville certain lands—which were read the third and last time, passed, and ordered to be engrossed.

Received from the house of representatives, a bill to appropriate a sum of money therein mentioned, for the purpose of opening a road from Elizabethton in Carter county, to Julius Daggs— which was read, and an amendment was proposed by Mr. Porter, and on the question, shall the amendment be received? the yeas and nays being called for were as follow, to wit:

Yeas—Messrs. Brown, Foster, Henderson, Sevier, Porter, Shelby and Dew—7.

Nays—Messrs. Harmon, Harle, Harris, Benton and Stephenson—5.

The question was then put, shall this bill pass? and the yeas and nays being called for, were as follow:

SAY 2.

Yeas—Messrs. Brown, Sevier, Porter, Benton and Stephenson.

Nays—Messrs. Foster, Harmon, Harris, Henderson, Harle, Shelby and Dew.

The house adjourned until Monday morning ten o'clock.

Monday, November 13th, 1809.

The house met according to adjournment.

Mr. Foster introduced a bill for the relief Joseph Irwin and his securities.

Mr. Benton introduced a bill extending the relief granted by the laws of this state in cases where the land called for in any grant is covered by better interfering titles.

Also, a bill to amend an act entitled an act, making provision for mistakes in surveys, passed the 23d April, 1796.

Received from the house of representatives, a bill to grant appeals from the first board of commissioners, to the persons therein named, all citizens of Carter county.

Also, a bill to annex part of Blount county to that of Sevier—which bills were severally read the first time, and passed.

Also, a bill to provide for the adjudication of certain claims.

Also, a bill to appoint additional trustees for the academies therein named.

Also, a bill to authorize the drawing of a lottery for the benefit of East Tennessee College.

Also, a bill to authorize the county court of Williamson to appropriate certain money, which were severally read the second time and passed.

Also, a bill to repeal an act to restrain the keeping too great a number of horses and mares, and for amending the breed, passed at Edenton the 23d day of November, 1723, which was read the second time, amended and passed.

Mr. Harris, who withdrew for amendment, a bill to authorize a separate election to be held in the county of Franklin, returned the same with a proposed amendment, which was read and received. The bill was then read the third time, amended and passed.

Received from the house of representatives, a bill to

provided for certain debts due from the counties of Davidson and Williamson.

Also, a bill to encourage bringing books into this state, which bills were read the third time and passed.

Also, a bill to authorize Arthur S. Hogan to execute deeds of conveyance to certain lands of the late Lemuel Hogan deceased.

Also, a bill to encourage the building of mills on Big Harpeth river, in the counties of Davidson and Williamson.

Also, a bill for the relief of Thomas Donahoo, James Saunters and John Watson.

Also, a bill to divorce Polly Bateman, from her husband Henry Bateman.

Also, a bill to authorize a division of warrants and certificates issued for lands.

Also, a bill for the relief of Cezar Lion.

And, a bill concerning jurors—which bills were severally read the first time and passed.

Also, a bill for reducing the limits of Warren county, and for appointing commissioners to purchase and lay out a town, and to erect a court-house, prison and stocks in said county, which was read the second time, amended and passed. Said bills were then severally endorsed, and sent to the house of representatives.

Mr. Harle, who withdrew for amendment a bill to increase the jurisdiction of justices of the peace, and regulating their proceedings, returned the same with a proposed amendment, which was read and received, and a message was sent to the house of representatives informing them that this house had taken up for the third and last reading the said bill, and proposing the amendment, and requesting them should they agree thereto, to send two of their body to see it made.

In answer to which a message of concurrence was received from the house of representatives, and stating that they had sent Messrs. Cocke and Young to see the amendments made.

The said bill was then amended, read the third and last time, passed, and ordered to be engrossed.

On the passage of said bill, the yeas and nays being called for were as follows, to wit:

Tennessee STATE LIBRARY

Yeas—Messrs. Foster, Harmon, Henderson, Harle, Harris, Sevier, Porter, Dew and Stephenson, —

Nays—Messrs. Brown, Shelby and Benton.

On motion of Mr. Porter, a resolution was adopted, that the committee of claims be requested to report by bill, all such cases as they find reasonable.

A message was sent to the house of representatives informing them thereof and asking their concurrence.

In answer to which, a message of concurrence was received from the house of representatives.

Received from the house of representatives, a messenger earnestly insisting on the amendment by them proposed to the bill to establish a county South of Bedford, to be called Fayette, by striking out "Fayette" for the purpose of inserting Lincoln—

Which was concurred with by this house, Messrs. Benton and Shelby appointed to see the amendments made, and a message was sent informing the house of representatives thereof.

Received from the house of representatives, a bill directing the commissioner of East Tennessee to issue a land warrant to William Sitzler of Sullivan county.

Also, a bill to authorize the county courts to appoint patrols.

Also, bill for the relief of Joshua Scott and Hugh Crawford.

Also, a bill to divorce certain persons therein named.

And, a bill to ascertain the mode of trying the right of property in certain cases.

Which bills were severally read and rejected.

Also, a bill for the relief of the coroners of this state.

Also, a bill directing the descent of intestates estates in certain cases.

Also, a bill to appoint commissioners for the town of Monroe, in the county of Overton.

And, a bill authorizing the purchase of a bell and clock for the court-house in Columbia.

Which were severally read the third and last time, passed and ordered to be engrossed.

A bill respecting sheriffs, which was ordered to lie on the table, was taken up, read and withdrawn by Mr. Foster for amendment.

Received from the house of representatives, a bill to establish a permanent seat of justice in the county of Franklin, was read and withdrawn by Mr. Harris for amendment.

Mr. Shelby presented the petition of sundry persons, praying to be compensated for services by them rendered, as a guard, in conveying a certain Lewis Barker, who was charged with murder, to the jail of Robertson district, which was read and ordered to be sent to the house of representatives.

Mr. Harle presented to the house, a copy of a presentment of the grand jury of Cooke county, together with a petition of sundry citizens of said county, against a change of the judiciary system,—which was read and sent to the house of representatives for information.

Received from the house of representatives, the following report of the land committee, which was read and concurred with, to wit :

The committee to whom was referred the land business of this state, beg leave to report—

That they have considered the claim of Moses F. Ek, esq. for whose case they think a remedy may be had, by granting an appeal from the first board of commissioners.

Also, the claims of Matthew and Alexander Campbell. The claims of John Payton, John Sloan, Abraham M. Alladin, Joseph French, Stephen Montgomery, Reuben Simpson, Adam Pinckney, John Bullard, Joseph Woolfolk, Joel Perrin, Samuel Blair, Elijah Chisholm and others and Richard Banks.

Which claims they find unreasonable.

They beg leave also to state that there are a variety of claims referred to them, upon which they have not acted, and would beg leave to suggest the propriety of each member introducing a bill or bills adapted to such cases as in their opinion are entitled to relief, and on the reading of said bills, if the same should be deemed necessary, produce the documents showing the merits or justice of such claim or claims as may be contained in such bill or bills—and henceforth hope that said committee be discharged from further duties during the present session of the general assembly—The cases that are thought reason-

able by the committee, are now provided for by bills which are ready to be reported to the house.

(Signed)

NATHL. TAYLOR,
Chairman of the land committee.

Nov. 13th, 1809.

A bill to establish circuit courts and courts of errors and appeals, which was made the order of the day, was taken up, read, and on motion of Mr. Foster to strike out the words January 1810 in the last section of said bill for the purpose of inserting the words "October, 1811" in the room thereof, as the time at which the law should go into operation, the yeas and nays being called for, were as follow, to wit:

Yeas—Messrs. Brown, Foster, Harmon, Harle, Sevier, Stephenson, 6—

Nays—Messrs. Henderson, Harris, Porter, Shelby, Brown, Benton, 6—

The speaker took time to advise, and the decision of the question was postponed until to-morrow.

On motion of Mr. Stephenson, "Rogersville" was stricken out, and "Jonesborough" inserted in lieu thereof, as the place of holding the courts of errors and appeals—Several other amendments were proposed to said bill, and a message was ordered to be sent to the house of representatives informing them thereof.

The house adjourned until to-morrow morning, nine o'clock.

Tuesday, November 14th, 1809.

The house met according to adjournment.

Mr. Benton, from the committee of enrollments, reported the following bills as correctly engrossed, to wit:

An act to establish a county South Bedford called Lincoln.

An act to repeal the first section of "an act for appointing commissioners to superintend the opening and keeping in repair, that part of the road leading from Virginia and North-Carolina to Kentucky, which lies between the Cross-roads at the place called Bean's Station in Grainger county and the ford of Sycamore creek in Claiborne county," in far as appoints three commissioners.

An act to authorize a separate election in the county of Williamson.

An act to reduce the limits of Bedford county, & to establish its permanent boundaries.

An act for the relief of John B. Cross, sheriff and collector of the county of Overton, and John Gordon of Smith county.

An act to authorize a separate election to be held in the county of Franklin.

An act to establish a town by the name of Petersburg on a North Bluff of the Caney Fork of the river Cumberland on the lands of Joseph Franks, in White county, and for establishing an inspection of tobacco thereat.

An act to establish a county South of Maury county and North of the Southern boundary of the State.

An act for the relief of the coroners of this State.

An act to encourage the manufacture of paper.

An act authorizing the purchase of a bell and clock for the court-house in Columbia.

An act to authorize the commissioners of the town of Columbia to make contract in appropriators therein mentioned—Also, to establish a military company by the name of Columbian Light Infantry.

An act to approve certain licenses for the town of Monroe in the county of Overton.

An act increasing the jurisdiction of justices of the peace, and regulating their proceedings.

An act directing the descent of intestate estates in certain cases.

An act to annex to the town of Blountsville, certain lands.

An act to authorize John Gass administrator of the estate of William Gass deceased, to draw certain monies from the public treasury.

An act regulating the manner of praying appeals, and the proceedings thereon.

An act to enable the justices of the peace of Claiborne county court to lay a tax for the purposes therein mentioned, and to appoint commissioners for a certain purpose.

An act to amend "an act for erecting a court-house and prison in the town of Clarksville in the district of Robertson."

An act granting John Wilkinson and James Lyon certain privileges therein mentioned.

An act for the ben fit of students at the different colleges and academies in this state.

An act to establish public inspections of tobacco in the counties of Campbell and Stuart.

And, an act to amend an act entitled "an act to empower families to recover damages in a summary way."

When acts were severally signed by the Speaker of this house and sent to the house of representatives.

Received from the house of representatives, a bill for the relief of Stephen Montgomery.

Also, bill to provide for certain land claims.

Also, a bill to add part of Wilson county to Rushford county.

Mr. Brown introduced a bill to fix on seats of justice in the counties of Kewanee and Rutledge, and for the appointment of commissioners to superintend the same.

Which bills were read the first time and passed.

Received from the house of representatives a bill concerning jurors.

Also, a bill to enable certain persons to take testimony of witnesses residing out of the state, and have the same recorded.

A bill extending the relief granted by the laws of this state, in cases where the land called for in any grant is covered by better interfering titles.

A bill to authorize the court of Ross county to lay a tax for the purpose of building a court house and stocks and for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same.

A bill for the relief of Joseph Irwine.

A bill for the benefit of delinquent jurors.

A bill for the relief of Robert Weir.

A bill to appoint additional trustees for the Rittenhouse & Brachy academies in the counties of Kewanee and Rushford.

A bill for the relief of the heirs of Andrew Taylor.

A bill directing where the office of the surveyor general for the third district shall be kept after the first day of January next.

A bill to repeal the first and seventh sections of an act

passed at Knoxville the 4th of Decr. 1807, entitled an act providing for the election of commissioners in the town of Kingston, and to appoint commissioners for the town aforesaid.

And, a bill to annex part of Blount county to that of Sevier—

Which bills were severally read the second time and passed.

Also, a bill to authorize the county court of Williamson, to appropriate certain monies.

Also, a bill to repeal certain acts therein mentioned.

And, a bill respecting sheriffs.

Which were read the third time and passed.

All of said bills were then indorsed and sent to the house of representatives

Also, a bill to amend an act entitled an act making provision for mistakes in surveys, passed 23d April, 1776, which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to appoint additional trustees for the academies therein named—which was read the third and last time, passed, and ordered to be engrossed.

Also, a bill for the relief of the heirs of Willie Cherry, deceased.

A bill for the relief of Thomas Donahoo, James Sanders and John Watson.

A bill for the relief of Jesse Skeen and James Marshall.

A bill for the relief of George Martin, Amos Balch and Richard Martin.

And a bill regulating certain officers fees therein mentioned.

Which were read and rejected.

Also, a bill for the relief of executors and administrators.

And, a bill to authorize the drawing of a lottery for the benefit of East Tennessee College.

Which were read, and withdrawn by Mr. Porter for amendment.

Also, a petition of Charles Newton and others, praying that he the said Newton have the privilege of building and erecting a bridge across Holston river, at a place called

Shoat's Ford, &c. which was read and referred to the committee of propositions and grievances.

Also, a petition of sundry citizens of the state, praying that the law suspending executions may be continued, which was read and ordered to lie on the table.

The consideration of the amendment proposed by Mr. Foster to the bill to establish circuit courts, and courts of errors and appeals, which was suspended until this day, was resumed—whereupon the speaker decided in the negative, and offered the following as his reasons for his vote thereon, to wit:

The amendment proposed, altho' on the detail of the bill, does, in fact, involve a question of extreme importance, and as it rests entirely on the vote to be given from the chair, it is not only necessary that that vote should be reconcileable to myself, but as far as possible to be satisfactory to those gentlemen who may entertain a different opinion, and for whose judgment and patriotism it becomes me to speak in terms of high approbation.

First then, as to the advantages contemplated to be derived from a suspension of the operation of the law for two years—In favor of which it is urged, that the people for whose accomodation the law is about to be passed, would be promoted by publishing it with such other laws as may be enacted in the present session, and thereby placing it in public view for examination and future discussion at the next stated session of the legislature—for the correctness of this conclusion, it will only be necessary to recur to the effect of the amendment, if adopted, and the reasoning of gentlemen in its favor.

In this point of view, the act could only be considered as one of experiment—hence then, as I humbly conceive, its passage and existence are both to be treated of as subjects of policy—And here, I hope, I will be permitted to ask the respectable citizens, whose petitions have been received from almost every section of the state, how far they will approve of suspending an act which is bottemed upon their will, and as far as possible, adapted to their interest and convenience, and attach to that the vast consumption of public time and revenue which has been expended in its passage—and how far, thus with respect to the idea of being informed that this suspension is intended

ed to supply a defect in their request, on the subject of a change of the judiciary—And that the better way to promote their interest and wishes, is to tender them the act for nearly two years reading, when, it is presumed their minds will be better prepared to say, whether their present demands ought to be attended to, or not—For myself, fellow members of the senate, after giving this subject the most candid and enlarged investigation of which my judgment is capable, I feel very little hesitation, in pronouncing as my opinion, that the measure proposed, is not such a one as would meet the wishes, or suit the interest of a majority of our fellow-citizens—and to exemplify this opinion, I beg leave to bring to your view, the following reasons.

First. The bill, if it should pass, will render the administration of justice far more speedy and convenient, than under the present system, inasmuch as the circuit courts holden in each county, will possess co-equal powers with the present superior courts of law and equity.

Secondly. It will have a tendency, beyond the possibility of doubt, to increase the value of town property throughout the state, with the exception of those towns in which the district courts are now held, and in its effect will promote a more equal and uniform distribution of the money expended by suitors at law.

The third and last advantage which I shall attempt to exhibit, is that which will be the inevitable result of the high court of errors and appeals, and which in point of real worth ought to have preceded all others; for if my anticipations be correct, the parties litigant will not only receive just, prompt and speedy justice, but the value of real estate will certainly be promoted to a very considerable extent, which has sustained essential injury for many years, owing in some degree, to the uncertainty and unsettled situation of landed decisions.

Thus then, as viewing these as real and not imaginary advantages, I cannot vote for their suspension to a more distant period, than that which will be necessary to bring it into operation—and believing, as I do, that a suspension would not lead the public to so distinct a decision as would be produced by a practical operation of the law, which will be liable at all times, to be either amended or abolished.

ed, agreeably to the sovereign will of the people, for the gratification of whose wishes, and the promotion of whose interest, I hereby request my vote to be placed on the negative.

A message was sent to the house of representatives proposing sundry amendments to the bill to establish circuit courts, &c.

In answer to which a message was received from the house of representatives, concurring with the different amendments proposed by this house, except that of striking out "Rogersville," as a place of holding a court of errors and appeals, for the first circuit; and inserting Jonesborough in lieu thereof, and stating that they had appointed Messrs. Cocke and Taylor to see the amendments agreed to made.

Mr. Porter who withdrew for amendment a bill extending farther the right of preference to occupants; returned the same with a proposed amendment, which was read and received and is as follows; to wit :

Sec. 4. Be it enacted, that where any person hath seated him or herself on any tract or parcel of land (believing the same to be vacant) in pursuance of the law granting preference to occupants, & shall be dispossessed by due course of law, the person so dispossessed shall be entitled to recover of the person or persons who have recovered such possession the value of the improvement made by such occupant or occupants; that have been by them made on such land, previous to such occupants being notified in writing of such adverse claim. Provided, this section shall not extend to infants and lunatics, who do, or may hold adverse claims.

On the adoption of said amendment, the yeas and nays being called for, stood thus, to wit :

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Sevier, Porter and Stephenson.

Nays—Messrs. Foster, Shelby, Dew and Benton.

On the passage of the above named bill, the yeas and nays being called for were as follow, to wit :

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Sevier, Porter, and Stephenson, 8—

Nays—Messrs. Foster, Shelby, Dew and Benton, 4—

Received from the house of representatives, a message, proposing to amend the bill extending further the right of

ference to occupants, by striking out the 4th section thereof, which is the amendment proposed by Mr. Porter, above recited.

In answer to which, a message of non-concurrence was sent to the house of representatives.

The undersigned presented the following reasons which induced them to vote against the amendment proposed by Mr. Porter, to the bill extending farther the right of preference to occupants; which amendment is above recited.

First. Because we believe that the legislature possesses no power to authorise an occupant to settle on lands which have been already granted by the state to another person, and to justify himself in committing trespass by saying he believed the land to be vacant. We conceive that between every grantee and the state a contract has been concluded.

The grantee has paid to the state a stipulated sum for a certain quantity of land, and engages also to pay an annual sum upon it for the use of the state. The state, on her part, in consideration of the sum which has so been paid for, conveys the title of the land to the grantee, and obligates herself in the patent which conveys the title, to maintain the grantee in the exclusive possession, use and enjoyment of the land so granted. This being the contract between the state and the grantee, we conceive that it would involve a violation of this contract, and also a violation of the constitution, to authorise any person, under a belief that the land is vacant, to settle down upon, make improvements thereon and afterwards to recover the value of their improvements, although the owner of the land might consider such improvement an injury to the land, and might wish it had not been made.

Second. Because by the laws of this state, every man entering upon the lands of another, and cutting or destroying any trees, is liable to be sued as a trespasser, and is subject to be fined in damages for such offense, and we conceive that it would exhibit an absurd contradiction, to authorise a man by one law to recover damages for doing a thing, for having done which, by another law he may be compelled to pay damages.

Third. Because we consider it impolitic and dangerous to the security of land titles to encourage people to make

settlements on granted lands, inasmuch, as under a privilege of this kind, a rich man with a number of slaves may fall in upon a small tract of land, cut down, carry off and apply to his own use the timber which grows upon it, and then under pretence of having made improvements may recover from the owner of the land which he has destroyed, as much as the land was originally worth, and to pay which the land itself perhaps will be sold at Sheriff's sale.

Thomas H. Benton,

John Dew,

John Shelby,

R. C. Foster.

The house adjourned until to-morrow morning, nine o'clock.

Wednesday, November 15th, 1809.

The house met according to adjournment.

Mr. Sawyer gave notice to the senate, that he intends on Thursday next, to lay before the house, a bill for the purpose of appropriating certain sums of money towards the benefit and encouragement of the following named colleges—that is to say—For the use of the Cumberland college, ten thousand dollars—East Tennessee college, twenty thousand dollars—Greeneville college, ten thousand dollars—and Washington college ten thousand dollars—to be paid out of monies arising out of the monies due from occupants residing South of French Broad and Holston, and between the rivers Big Pigeon and Tennessee.

Mr. Henderson from the committee of propositions and grievances reported—

That the petition of Charles Newton, praying to be permitted to build a bridge across Holston river is reasonable.

Also, that the petition of William Price, praying that certain monies be refunded him, paid as taxes by him, in Williamson county, and which was at the same time paid for said lands in Maury county, is reasonable, so far as respects the State and county tax paid in Williamson county.

And, that the petition of James and Shadrack Gowen, and Dennis Scott, men of color, praying to be authorized to prove their accounts, by their own oath, is unreasonable.

Which report was concurred with by this house, and sent to the house of representatives,

Mr. Shelby introduced a bill to provide for the adjudication of land claims.

Mr. Foster introduced a bill, to prolong the provisions of the 34th section of an act to amend an act entitled an act directing the dividing of the State into convenient districts, &c.

Received from the house of representatives a bill for the relief of such persons as have made locations on what is called school lands.

Also a bill to authorize Charles Newton of Sullivan county to build a toll bridge across Holston river.

Also, a bill for the relief of Zacheus Wilson, executor of David Wilson.

Also, a bill to authorize the county court of Campbell to lay a tax for the purpose of completing the court-house in said county.

Also, a bill to establish at Raddy's ferry on Powell's river, a place of inspection, and to build a ware-house.

Also, a bill to repeal the law establishing a caveat court in the county of Blount, and for other purposes.

Also, a bill to annex a part of Dickson county to Humphrey's county.

Also, a bill to authorize claimants to lands to establish the locality of their surveys.

Also, a bill for the relief of Phelps Reed.

Also, a bill for the relief of Moses Fisk.

Also, a bill to regulate the time of holding the courts of pleas and quarter-sessions, in the different counties within this State.

Mr. Sevier introduced a bill for the encouragement of learning in this State.

Mr. Harris introduced a bill for opening a turnpike-road from White court-house to intersect the road leading from South West point to Carthage at Daddy's Creek, so as to pass by the reviewers camp on the Casey Fork.

Mr. Porter introduced a bill to alter the time of holding the courts of the several counties therein named; and for reducing the number of jurors to the several county courts in this State.

Which bills were severally read the first time and passed.

Received from the house of representatives, a bill to fix on seats of justice in the counties of Rhea and Bladsoe, and for the appointing of commissioners to superintend the same.

Also, a bill to add a part of Wilson county to Rutherford county.

Also, a bill to bring into one view the several acts of assembly relative to the correction of errors in grants, mesne conveyances, or bills of sale and to amend the same, which were read the second time and passed.

Mr. Foster, who withdrew for amendment; a bill authorizing the register of the land office of East Tennessee to issue grants to the citizens residing South of French Broad and Holston, and for other purposes returned the same, which was read the second time, amended and passed.

Received from the house of representatives, a bill extending the relief granted by the laws of this state, in cases where the land called for in any grant is covered by better interfering titles.

And, a bill to authorize the register of West Tennessee to issue grants in certain cases, which were read the third time and passed.

Mr. Porter who withdrew for amendment a bill to authorize the drawing of a lottery for the benefit of East Tennessee College, returned the same with proposed amendments, which were read and received. The said bill was then amended, read the third time and passed.

All of said bills were then endorsed, and sent to the house of representatives.

Received from the house of representatives a bill for the benefit of delinquent jurors, which was read the third and last time, passed, and ordered to be engrossed.

Also, a bill concerning divorces.

Also, a bill for the relief of Caesar Lynn.

Also, a bill supplementary to an act to establish a College in East Tennessee.

Also, a bill for the relief of Elmore Douglass, which were read and rejected.

Mr. Dew, who withdrew for amendment, a bill concerning executions, returned the same with a proposed amend-

ment, which was read and received. The bill was then withdrawn by Mr. Harle for amendment.

Received from the house of representatives a bill to authorise the court of Roane county to lay a tax for the purpose of building a court-house, prison and stocks, and for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same, which was read and withdrawn by Mr. Brown for amendment.

Also, a petition of sundry citizens of Overton, Jackson and White counties, praying for a new county to be laid off, &c. which was read and referred to the committee of propositions and grievances.

Also, a petition of sundry citizens of Blount county, earnestly praying that the law suspending executions may be continued.

Also, the petition of Phelps Reed, praying to be authorised to receive a certificate for so much of his land as is covered by the claim of John Sevier, which were read and ordered to lie on the table.

Also, the resignation of John Coleman as a justice of the peace for Robertson county, which was read and received.

Mr. Harris presented the memorial of sundry citizens of Warren county, praying a farther suspension of the execution law, which was read and ordered to be sent to the house of representatives.

A message was sent to the house of representatives adhering to the amendment proposed by this house to the bill to establish circuit courts, &c. by striking out Rogeri-ville for the purpose of inserting "Jonesborough" as the place of holding courts of errors and appeals.—In answer to which a message of non-concurrence was received from the house of representatives.

A message was then sent to the house of representatives insisting on the above amendments, &c. In answer to which a message of concurrence was received, and stating that they had appointed Messrs. M'Campbell and Tipton to see the amendment made.

The bill was then amended, and on the passage thereof, the yeas and nays being called for were as follow, to wit:

Yeas—Messrs. Henderson, Harle, Harris, Porter, Shelby, Dew and Benton—7.

Nays—Messrs. Brown, Foster, Harmon, Sevier and Stephenson.

The said bill was then ordered to be engrossed.

The house adjourned until to-morrow morning nine o'clock.

Thursday, November 16th, 1809.

The house met according to adjournment.

Mr. Harris from the committee appointed to take under consideration the militia laws of this state, reported a bill to amend the militia laws of this state.

Mr. Dew from the committee of claims, reported a bill to appropriate monies therein mentioned.

Mr. Porter from the committee appointed to take under consideration the law relative to the trial of slaves, introduced a bill concerning slaves, free negroes and mulattos.

Mr. Benton introduced a bill directing the purposes to which the money arising from the sale of lots in the town of Fayetteville in Lincoln county, shall be appropriated.

Also, a bill to authorize the transcribing of certain entries therein mentioned.

Mr. Porter introduced a bill to prohibit the Registers of the land offices for East and West Tennessee, or either of them, from issuing a grant or grants to Thomas Dillon, his assignee or assignees; issued to the said Dillon by the commissioner of West-Tennessee, for a grant of No. 346, obtained in the name of Stokley Donelson.

Mr. Harris introduced a bill to authorize a separate election to be held in the county of Warren.

Received from the house of representatives, a bill to authorize the commissioner of West Tennessee to give a duplicate land warrant for 122 acres to Richard Banks.

Also, a bill to prevent the harboring of slaves.

Also, a bill to revive an act entitled act concerning divorces, passed 26th Oct. 1799.

Also, a bill for the relief of certain persons therein named.

Mr. Henderson introduced a bill to regulate the proceedings in the several courts of pleas and quarter sessions within this state.

Received from the house of representatives, a bill for the relief of Daniel Robertson.

Mr. Benton introduced a bill to establish academies in the counties of Maury, Giles, Lincoln and Bedford.

Also, a bill supplementary to an act, entitled an act to establish circuit courts, and a supreme court of errors and appeals,—which bills were severally read the first time and passed.

Received from the house of representatives a bill to encourage the building of mills on Big Harpeth river, in the counties of Williamson and Davidson.

Also, a bill to authorize Charles Newton of Sullivan county to build a toll bridge across Holston river.

Also, a bill to establish the permanent seat of justice in the county of Franklin.

Also, a bill to authorize the county court of Campbell to lay a tax for the purpose of completing the court-house in said town.

Also, a bill to prevent the retailing of spiritous liquors in quantities less than one quart.

Also, a bill further to provide for the adjudication of land claims,—which bills were read the second time and passed.

Also, a bill to amend an act entitled an act making provision for mistakes in surveying, passed 23d April, 1796.

And, a bill appointing additional trustees for the Rittenhouse and Bradley academies in the counties of Roane and Rutherford,—which were read the third time and passed.

Also, a bill to prolong the provisions of the 34th section of the land law, passed in 1807, which was read and withdrawn by Mr. Foster for amendment.

Mr. Foster, who withdrew for amendment a bill to authorize the commissioners to loan certain monies, returned the sum. . . The said bill was then withdrawn by Mr. Shelby for amendment.

Mr. Harris introduced a bill for the appointment of an agent on the part of this state, to go to the state of N. Carolina, for the purpose of obtaining copies for the state of Tennessee of that state, of all grants issued by the state of North-Carolina, for lands within the limits of this state.

Also, a bill to authorize the county court of Smith, to lay a tax for the purpose of purchasing a bell for the town of Carthage, which were read and withdrawn by him for amendment.

The consideration of the passage of the bill for the relief of Sterling Brewer was resumed, and the speaker decided in the negative. Said bill was then rejected.

Mr. Beaton from the committee of enrollments reported a bill to establish circuit courts and courts of errors and appeals, as correctly engrossed. Said bill was then signed by the speaker of this house, and sent to the house of representatives.

Mr. Foster, who withdrew for amendment a bill to repeal a part of the third section of an act passed 30th of Nov. 1807, entitled an act for the relief of Christopher Haynes and others, returned the same, and on the passage of the bill the yeas and nays being called for, stood thus:

Yeas—Messrs. Harmon, Henderson, Harle, Harris, Sevier, Porter, Dew, Shelby, Beaton and Stephenson.

Nay—Mr. Foster.

The bill was then ordered to be engrossed.

The undersigned having voted against the passage of the last mentioned, claims his constitutional right to enter on the journals the reasons which influenced his vote.

In the year 1783, James Lewis made a special entry in John Armstrong's office for 640 acres of land. Some time in the year 1791, a grant issued on said entry to James Cosby, for 640 acres land lying on the south side of French Broad and Holston, and west of Big Pigeon rivers. It appears by a certificate of the secretary of state of North Carolina, that no transfer of said warrant was ever made by said Lewis to Cosby, or by any other person. In the year 1807, James Lewis transferred said entry to William T. Lewis, who petitioned the legislature at the last stated session to disunite the warrant from the grant, which had illegally issued, and upon Cosby's surrendering of the grant and disclaiming any right or title under it, the legislature directed a duplicate warrant to issue to said William T. Lewis, who, after obtaining the warrant proceeded to survey the same on the land originally entered, and was about to procure a grant, when the Legislature in 1809, have expressly declared by the bill now in question, that the said William T. Lewis shall not obtain a grant on his said survey made on the same land entered in the year 1783.

1. That said James Lewis, on making his special

entry and paying the consideration money to the state, became vested with a right to the land so entered, which right cannot be divested by any power in the government, without his consent, and William T. Lewis upon becoming a purchaser of said entry, was thereby vested with the same interest which the said James Lewis had in said entry.

2. That the land south of French Broad and west of Big Pigeon rivers, was expressly prohibited by law from being entered or granted, and the grant which issued to James Cosby could under existing laws convey no title whatever.

3. The state of Tennessee under her compact with North-Carolina is bound to issue grants on all valid warrants, and this act declaring that said William T. Lewis shall not obtain a grant, is in open violation as I conceive with that compact.

4. That said act in declaring that William T. Lewis shall not obtain a grant for the land specially called for in his entry, evinces a partiality toward those persons in whose favor it is designed to operate, and goes to prejudice said Lewis's claim, and is thereby calculated to destroy the confidence of the citizens in our government.

5. That the question whether William T. Lewis, under his special entry made in the year 1783, or those claiming the said land under supernumerary warrants, located long subsequent to the date of Lewis's entry, are entitled to hold the land, belongs to the judiciary department of the government to decide, and the Legislature in determining this question, have assumed judiciary power which they are not vested with by the constitution.

6. That said act is calculated to mislead those whom it is designed to favour, and will produce an unnecessary accumulation of costs by the parties litigant.

7. That the preamble of said act casts reflections on the last Legislature of an unprecedented nature, and in the body of said act have committed the reprehensible fact charged on the preceeding Legislature.

A bill for the relief of Phelps Reed.

And, a bill to amend an act, entitled an act for ascertaining the method of proving back debts, passed by the

governor, council and assembly of North-Carolina, in the year 1756, were read and rejected.

On the passage of said bills, the yeas and nays being called for, were as follow, to wit:

Yeas—Messrs. Harmon and Harris.

Nays—Messrs. Brown, Foster, Henderson, Harle, Sevier, Shelby, Dew, Benton and Stephenson.

Mr. Harris presented a petition of Peter Williams, deputy sheriff of Overton county, praying to be compensated for his trouble and expence in conveying a certain James Dale, a prisoner, to the District Jail—which was read and ordered to be sent to the house of representatives.

Mr. Benton offered a resolution that Joseph Dixon, on the part of the trustees of the Bradley academy in Rutherford county, be authorised to borrow for the term of two years, the sum of six hundred dollars out of the proceeds of the lands sold for the benefit of academies, on his giving to the commissioners authorised to loan the same, sufficient security for the faithful payment of the principal at the end of that time, and the regular payment of the interest as the law requires.

Which resolution was adopted, and a message was sent to the house of representatives informing them thereof and asking their concurrence.

Received from the house of representatives, a bill for the relief of Robert Wier, which was read, and on motion to strike out the word "two" in the first section of said bill, for the purpose inserting "one," in order that it would read that Robert Wier, &c. be allowed at the rate of one acre of land warrants per mile for running and marking the sectional lines, &c. The yeas and nays being called for, stood thus:

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Sevier, Porter and Benton—8.

Nays—Messrs. Foster, Shelby, Dew and Stephenson, 4.

On the passage of the bill, the yeas and nays being called for, were as follow, to wit;

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Sevier, Porter and Benton.

Nays—Messrs. Foster, Shelby, Dew and Stephenson.

The bill was then ordered to be engrossed.

The undersigned offered the following as the reason

which induced them to vote against the passage of the above named bill, to wit:

The law of 1806, pointed out in express terms what the surveyor-general south of French Broad and Holston should receive for his services before he accepted the appointment, which law is in the following words: (See Haywood, page 402.)

“For running and marking the lines of the township as by this act required, one dollar and fifty cents for each mile so run and marked; for each 640 acres of land for the use of schools, six dollars; which said sums shall be considered as full compensation for the services rendered for the surveyor and his chain carriers and markers; for locating and describing the two tracts of one hundred thousand acres each for the use of colleges and academies, fifty dollars; for making a complete draft and connected plan of his district, and depositing two copies thereof with the secretary, as by this act required, fifty dollars; which said several sums the said surveyor-general may state and claim, subject to be liquidated by the Register, who is hereby authorized and required to liquidate the same, which said statement and settlement the Register shall record in his office, and issue a warrant or warrants to the full amount of said accounts, which shall authorize the said surveyor to lay off for himself, within the bounds of his district, a quantity of land to the amount of the sum due him, at the rate of two dollars per acre, for which he shall be entitled to receive a grant or grants from the state, in the same manner as prescribed in other cases within his district.”

1st. The bill now in question, goes to allow the said surveyor-general (from the best calculation we are able to make) the sum of \$600 do's. more than allowed him by the above law, under which he accepted the appointment, rating the land as stipulated in the aforesaid law, which sum we conceive is too great to deprive the government of for the accommodation of an individual, which was previously provided for.

2dly. The law required two correct plans of said surveyor's district to be deposited in the secretary's office, for the use of the legislature, for which he was to receive fifty dollars, and the fact is, he has only deposited one, and the

bill goes to exonerate him from depositing the other, and gives him, instead of 25 dollars, which is all he can claim under the law, the sum of 800 dollars, estimating the land at the price named in the law.

The whole estimate, from the best calculation we are able to make, with the law and the plan before us (aided by a mathematician) stands thus (we do not, however, say our calculation is altogether correct) but believe them nearly so. All the services the surveyor was bound to perform under the law, would amount to 450 acres of land warrants, which, at the price stipulated by law is equal to 500 dollars. The bill to which we enter our solemn protest, allows him 1760 acres of land warrants, which, at the price aforesaid, will be equal to 3520, making 1910 acres of land warrants, equal to 2620 dollars, rated as before, over and above what the law allowed to him, which we conceive injurious to our country and highly oppressive, and which we have no right or wish to grant or permit.

*Robert C. Foster,
John Shelby,
Matthew Stephenson,
John Drew.*

The house adjourned until to-morrow morning nine o'clock.

Friday, November 17th, 1809.

The house met according to adjournment.

Received from the house of representatives, a resolution that the senators from this state, in the congress of the United States, be directed and the representatives requested, to use their best endeavours with the proper authority, to have some tribunal established vested with power to adjudge such warrants as have been located within the limits of the Congressional reservation of lands within the limits of this state, meaning such warrants as the U. States are by an act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, bound or may be bound to satisfy grants for lands within the limits of said reservation. And be it resolved, That the Executive of this state, without delay, forward a copy of the foregoing resolution to the senators and repre-

representatives of this state, in the Congress of the United States—Which resolution was non-concurred with, and a message sent to the house of representatives informing them thereof.

Also, a resolution that the public printer be, and he is hereby directed to print ten copies of the act to establish circuit courts, &c. the supplement thereto, and an act to establish the order of holding the county courts of pleas and quarter sessions in future, in one pamphlet, for each member of the present general assembly—which was non-concurred with, and the following proposed in lieu thereof, to wit :

Resolved by the general assembly of the state of Tennessee, that 38 copies of the law establishing circuit courts and the supplement thereto, be printed and furnished to the clerks of the circuit courts, 38 do. for the use of the clerks of the county courts, 38 do. for the use of the sheriffs of this state, 38 do. for the use of the county solicitors, 5 do. for the use of the solicitors-general, 5 do. for the use of the circuit judges, 2 do. for the use of the judges of the supreme court, 5 do. for the use of the clerks and masters in equity, 4 do. for the use of the governor, secretary and treasurers of this state, 3 do. for each of the counties within this state, and making in the whole (in even numbers) 300 copies. In answer to which a message of concurrence was received from the house of representatives.

Received from the house of representatives, a message concurring with this house in the resolution that Joseph Dixon be authorized to borrow 600 dollars out of certain monies for the use of colleges and academies, &c.

A message was sent to the house of representatives, informing them that this house had taken up for the third and last reading, a bill to establish the permanent seat of justice in the county of Franklin, and proposing to amend the same by striking out the word Winchester as the name of said county, for the purpose of inserting M^o Minn in lieu thereof. In answer to which a message of non-concurrence was received from the house of representatives.

Also, a message accompanied by a resolution, that the honourable members of the senate be requested to attend at the representatives chamber at the hour of three o'clock on Monday next, to the end that this Legislature may pro-

ceded to the election of two judges, to preside in the superior court of errors and appeals, and five judges to fill the circuits as established by the act to establish circuit courts, &c.—which was non-concurred with by this house, and a message was sent to the house of representatives, informing them thereof.

Also, a bill to repeal the law establishing a caveat court in the county of Blount, and for other purposes—which was read the second time and passed.

Mr. Foster, who withdrew for amendment a bill to prolong the provisions of the 34 section of the land law, passed in 1807, returned the same with a proposed amendment, which was read and received.

Mr. Porter, who withdrew for amendment a bill for the relief of such persons as have or may suffer by their grants, deeds, mesne conveyances or other instruments of writing, not being proven or registered within this state, returned the same with an amendment, which was read and received.

Also, a bill for the relief of executors and administrators.

Received from the house of representatives, a bill for the relief of certain persons therein mentioned—Which bills were severally read the second time, amended and passed.

Also, a bill to authorize the court of Roane county to lay a tax for the purpose of building a court-house and stocks, for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same.

And, a bill for the relief of Joseph Irwin—Which bills were read the third time and passed.

Also, a bill to repeal an act entitled an act to amend an act entitled an act, making provision for the payment of jurors to the county courts, passed April 20th, 1809, which was read the second time and passed. On the passage of said bill, the yeas and nays being called for, stood thus, to wit:

Yeas—Messrs. Brown, Foster, Harmon, Porter, Shelby and Dew.

Nays—Messrs. Henderson, Harle, Harris, Sevier and Stephenson.

Mr. Shelby returned a bill to authorize commissioners

to loan certain monies, with a proposed amendment; as follows :

And that Thomas Crutcher, William Tait and Duncan Stewart, be, and they are hereby appointed commissioners for the purpose of loaning out to any person or persons all the monies which now are or hereafter may be in the treasury of this state, belonging to Cumberland College, and the academies in west Tennessee, which said monies shall be loaned out at an interest not less than _____ per cent. per annum, for the use of said colleges and academies,

Sec. Be it enacted, That it shall be the duty of the treasurer of Hamilton and Washington district, to deposit in the hands of the treasurer of Winchester, Mero and Robertson districts, all the monies which now are, or hereafter may be in his hands, belonging to the Cumberland College and the academies in West Tennessee, so soon as the same can be collected, and it shall be the duty of the treasurer of Winchester, Mero and Robertson districts, to give bond and security to the governor for the time being, and his successor, in the penalty of _____ dollars, for the true performance of his duty, in faithfully accounting for all college and academy monies that may come into his hands by virtue of this act, which security shall be adjudged of by two of the judges of the superior courts of law and equity, and it shall be the duty of said judges to have such bond executed, and see the same safely transmitted to the secretary of state for safe keeping, which bond for a breach thereof, shall be liable to be put in suit from time to time, until the whole penalty be recovered.

On the adoption of the above amendment, the yeas and nays being called for, stood thus :

Yeas—Messrs. Foster, Henderson, Shelby, Dew and Benton.

Nays—Messrs. Brown, Harmon, Harle, Harris, Sevier, Porter and Stephenson.

The said bill was then read the second time and passed.

Received from the house of representatives, a bill to authorise the register of the land-office of East Tennessee to issue grants to the citizens South of French Broad and Holston and for other purposes.

And, a bill to annex part of Blount county to that of Sevier, which were read the third and last time, passed and ordered to be engrossed.

Mr. Harle returned a bill concerning executions, without amendment—And, on motion, it was withdrawn by Mr. Stephenson for amendment.

Received from the house of representatives a bill to appropriate certain monies therein mentioned, which was read and withdrawn by Mr. Dew for amendment.

Also, a bill for the relief of Moses Fisk.

A bill to add part of the county of Willson to the county of Rutherford.

And, a bill directing where the office of the surveyor general for the third district shall be kept after the first of January next, which was read and rejected.

Mr. Benton from the committee of enrollments reported the following bills as correctly engrossed, which was signed by the speaker and sent to the house of representatives, to wit:

An act for the benefit of delinquent jurors.

An act to repeal a part of the third section of an act passed the 30th of November, 1807, entitled an act for the relief of Christopher Haynes and the other persons therein named.

An act for the relief of Robert Weir.

And, an act appointing additional trustees for the academies therein mentioned.

The house adjourned until to-morrow morning, nine o'clock.

Saturday, November 18th, 1809.

The house met according to adjournment.

A message was sent to the house of representatives, insisting on the amendment by this house proposed to the bill to establish a permanent seat of justice in Franklin county, by striking out "Winchester" and inserting Middletown, &c.

Received a message of non-concurrence to the above message.

Received from the house of representatives, a message, proposing sundry amendments to the bill extending further the right of preference to occupants, and requesting this

house, should they agree to them, to send two of its members to see them made:—which was concurred with, Messrs. Harris and Porter appointed to see the amendments made and a message was sent to the house of representatives informing them thereof.

Also, a bill supplemental to an act entitled an act to authorize a separate election in Greene county.

A bill to increase the taxation on law suits.

A bill to release John Dudley from a forfeited recognizance.

A bill to provide for the payment of the members, clerks and door-keepers of this general assembly.

A bill to amend the law relative to grants issued by the State of North-Carolina, for lands South of French Broad and Holston.

A bill for the relief of James Hamilton.

A bill for fixing the salary of the governor.

A bill to authorize appeals to be granted from the first board of commissioners.

A bill for the relief of Nathaniel Henderson.

A bill concerning the delivery of property levied on by execution or attachment.

And, a bill to amend an act entitled an act to authorize executors, administrators and sheriffs to make conveyances, passed Sept. 1794

Which bills were severally read the first time and passed.

Mr. Harris returned a bill to authorize the county court of Smith to lay a tax for the purpose of purchasing a bell for the town of Carthage, which was read the first time, amended and passed.

Received from the house of representatives, a bill to revive an act entitled an act concerning divorces, passed, 26th Oct. 1793.

A bill to prevent the harboring of slaves.

A bill directing the purposes to which the money arising from the sale of lots in the town of Fayetteville in Lincoln county, shall be appropriated.

A bill to prohibit the register of the land office for East and West Tennessee, or either of them, from issuing a grant or grants to Thomas Dillon.

A bill to amend the militia laws of this state.

A bill to grant appeals from the first board of commissioners to the persons therein named.

A bill for opening a turnpike road, leading from S. W. Point to Carthage at Daddy's Creek, so as to pass by the Reviewers Camp on the Cahey Fork.

A bill to provide for certain land claims.

A bill to establish academies in the counties of Maury, Giles, Lincoln and Bedford.

A bill concerning slaves, free negroes and mulattoes.

A bill to authorize the commissioners of West Tennessee to issue a duplicate land-warrant for 182 acres to Richard Banks.

A bill for the relief of Zaccheus Wilson executor of David Wilson.

A bill to repeal an act passed the 31 of December, 1807, making provision for the extinguishment of the Indian claims to lands within the limits of this State.

A bill for the relief of Stephen Montgomery.

A bill to annex part of Dickson county to Humphreys county.

A bill to establish at Roddy's ferry on Powell's river, a place of inspection, and to build a ware-house.

A bill to direct the transcribing certain entries therein mentioned.

A bill for the encouragement of learning in this State.

A bill to compel the principal surveyors to transcribe their entries.

A bill to authorize the division of warrants and certificates issued for lands.

And, a bill to establish the permanent seat of government of this State.

Which bills were severally read the second time and passed.

A bill to encourage the building of public mills, and directing the duty of millers, was read the second time amended and passed.

Mr. Dew returned a bill to appropriate certain moneys therein mentioned, which was also read the second time, amended and passed.

Received from the house of representatives, a bill further to provide for the adjudication of land claims, which was read the third time and passed.

Also, a bill to authorise Conrad Piles to cut and open a road from Clear Creek, on the new turnpike road, to intersect the leading road from S.W. Point at Gibson's.

A bill for reducing the limits of Warren county, and for appointing commissioners to purchase land, to lay out a town, and erect a court-house, prison and stocks in said county.

A bill to establish academies in the counties of White, Warren, Franklin, Rhea, Bledsoe and Hickman, and for the appointment of trustees thereof.

A bill to repeal the 1st and 7th sec. of an act passed at Knoxville the 4th of Dec. 1807, entitled an act to provide for the election of commissioners in the town of Kingston and for other purposes and to appoint commissioners for the town aforesaid.

And, a bill to fix on seats of justice in the counties of Rhea and Bledsoe, and for appointment of commissioners to superintend the same.

Which bills were severally read the third time, amended and passed.

Also, a bill to repeal the law establishing a caveat court in the county of Blount, and for other purposes.

A bill to authorise the courts of the several counties in this state, to lay a tax for building or repairing the court-houses, prisons and stocks in their counties.

A bill to establish the permanent seat of justice in the county of Franklin.

A bill to authorise Charles Newton of Sullivan county to build a toll bridge across Holston river.

A bill to encourage the building of mills on Big Harpeth river, in the counties of Williamson and Davidson.

A bill for the relief of William Acklin.

A bill concerning jurors.

And, a bill for the relief of certain persons therein named—Which bills were severally read the third and last time, passed, and ordered to be engrossed.

A message was sent to the house of representatives, informing them that this house had taken up for the third and last reading, a bill to relieve such citizens of this state as are likely to be injured in their conveyances, powers of attorney, bills of sale, and bonds for the conveyance of real estate, which may require registration, and where the sub-

scribing witnesses or witnesses thereto reside out of the limits of this state—and proposing sundry amendments thereto, and ask their concurrence.—In answer to which a message of concurrence was received from the house of representatives, and stating that they had appointed Messrs. Gordon and Coker to see the amendments made. The said bill was then amended, passed, and ordered to be engrossed.

A bill for the relief of executors and administrators, was read, and a message was sent to the house of representatives proposing sundry amendments thereto. In answer to which a message of concurrence from the house of representatives was received, and stating that they had appointed M^r. Coker and Lowry to see them made.—The said bill was then read, passed, and ordered to be engrossed.

Mr. Benton, from the committee of enrollments reported, an act to repeal the law establishing a caveat court in the county of Blount, and for other purposes, as correctly engrossed—which was signed by the speaker of this house and sent to the house of representatives.

Mr. Stephenson returned a bill concerning executions, with a proposed amendment, to wit :

Be it enacted by the general assembly of the State of Tennessee, That all judgments and executions which have been stayed under the provisions of an act, entitled an act concerning executions, passed at Knoxville 22d April, 1809, be further stayed according to the rules and restrictions hereinafter expressed, to wit :

Sums not exceeding five dollars, may be stayed twenty days ; sums over five dollars and not exceeding ten dollars, may be stayed thirty days ; sums over twenty dollars and not exceeding thirty dollars, may be stayed eighty days ; sums over thirty dollars and not exceeding forty dollars, may be stayed one hundred days ; sums over forty dollars and not exceeding fifty dollars, may be stayed one hundred and twenty days ; and all sums exceeding fifty dollars may be stayed six months ; and the aforesaid several stays may and shall be obtained in cases only where the party demanding such stay shall enter into bond with sufficient security, before the justice of the peace or the clerk of the court before whom the judgment shall have been

obtained, and to ascertain the sufficiency of the security offered the justice or clerk, may require an oath to be made by the person or persons offering him or themselves as security; that they are worth the sum for which they are about to be bound after the payment of all their own just debts. And on the question being put, shall the amendment be received? the yeas and nays being called for, stood thus:

Yeas—Messrs. Henderson, Harle, Benton and Stephenson. Nays—Messrs. Brown, Foster, Harmon, Harle, Scriver, Shelby, Porter and Dew.

Received from the house of representatives, a bill to amend the militia laws of this state, which was read and withdrawn by Mr. Harris for amendment.

Also, a bill supplementary to an act entitled an act to establish Circuit Courts, and a Supreme Court of Errors and Appeals—which was read and withdrawn by Mr. Benton for amendment.

Also, a bill to amend the 34th section of the land law, passed in the year 1807, which was read and withdrawn by Mr. Brown for amendment.

Also, a bill to prevent the retailing of spiritous liquors in quantities less than one quart.

A bill to authorise Arthur S. Hogan to execute deeds of conveyance to certain lands of the late Lemuel Hogan, deceased.

A bill to authorise the county court of Campbell to lay a tax for the purpose of completing the court-house in said county.

A bill concerning jurors in the counties of Rhea and Bledsoe.

A bill to authorise a separate election in the county of Greene.

A bill to authorise claimants to land to establish the locality of their surveys.

And, a bill concerning entries and grants in certain cases—which bills were severally rejected.

Also, a resolution that from and after the first day of January next, the surveyor's office of the third District shall be kept at White court-house, any law to the contrary notwithstanding—which was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

The house adjourned until Monday morning 9 o'clock,

Monday, November 20th, 1809.

The house met according to adjournment.

Mr. Dew offered a resolution that the clerk of the senate furnish the public printer with a caption of all the laws which may be enacted during the present session, and that said printer be directed to print four hundred copies thereof for the use of the legislature, provided the same can be printed before Thursday next. In answer to which a message of concurrence was received from the house of representatives:

Received also, a resolution that both branches of this Legislature meet in the representatives chamber on Tuesday the 21st instant at 3 o'clock, P. M. for the purpose of going into the election of five circuit judges, one for each circuit, beginning at the first, and so on in rotation—and immediately after to go into the election of two judges to fill the high courts of errors and appeals—and on Wednesday the 22d, to go into the election of one solicitor general for each judicial circuit. In answer to which a message of concurrence was sent to the house of representatives.

The report of the committee on Thomas G. Bradford's memorial, was taken up, read, non-concurred with, and sent to the house of representatives.

The resolution that Thomas Crutcher, esquire, Treasurer of West Tennessee, be allowed one per cent, on the amount of all the monies being revenue from West Tennessee, which he may deliver and pay to the treasurer of East Tennessee, at the seat of government, was taken up, read, amended, concurred with, and sent to the house of representatives. In answer to which a message of concurrence was received from the house of representatives.

The resolution that it shall be the duty of the principal surveyor's in this state to endeavour to inform themselves of the quantity of vacant land within their several districts, for cultivation, and report the same to the next general assembly, was taken up, read and non-concurred with, and a message was sent to the house of representatives, informing them of the result.

A resolution that the executive of this state be requested to cause to be purchased for the use of the state, Hopson's family in the v. d. textant, &c. was taken up, read, non-con-

carried with, and a message was sent to the house of representatives informing them thereof. On the adoption of the last named resolution, the yeas and nays being called for stood thus :

Yeas—Messrs. Foster, Henderson, Harris, Shelby and Benton. Nays—Messrs. Brown, Harmon, Harle, Sevier, Porter, Dew and Stephenson.

Mr. Porter returned a bill concerning executions, with an amendment, which was read and received, and on the question shall the bill pass? the yeas and nays being called for, stood thus :

Yeas—Messrs. Harmon, Harle, Harris, Sevier, Porter, Dew and Mr. Speaker. Nays—Messrs. Brown, Foster, Henderson, Benton, Shelby and Stephenson.

The bill was then passed the second time, and sent to the house of representatives.

Received from the house of representatives, a bill to divide the 4th brigade into two separate and distinct brigades.

And, a bill to alter the time for holding regimental musters in the 24th and 25th regiments of the 5th brigade of militia in this state, which were read the first time and passed.

Also, a bill to authorize the county court of Smith to lay a tax for the purpose of purchasing a bell for the court-house in the town of Carthage,

A bill to regulate the proceedings in the several courts of pleas and quarter sessions within this state.

A bill to regulate the time of holding the courts of pleas and quarter sessions in the different counties within this state.

A bill supplemental to an act entitled an act to authorize a separate election in Greene county.

A bill to release John Dudley from a forfeited recognizance.

And, a bill to authorize a separate election in the county of Warren—which bills were severally read the second time and passed.

A bill concerning mills and other water works.

A bill for the relief of such persons as have or may suffer by their grants, deeds, mesne conveyances, bills of sale, or other instruments of writing, not being proven or registered in this state.

A bill directing the purpose to which the money arising

from the sale of lots in the town of Fayetteville, in Lincoln County shall be appraised.

And, a bill to prohibit the Registers of the Land Offices for East and West Tennessee, or either of them, from issuing a grant to Thomas Dillon, his assignee or assignees, on a certificate issued to said Dillon by the commissioner of West Tennessee from a grant of No. 346, obtained in the name of Stockley D. Nelson—which were severally read the third time and passed.

Also, a bill for the relief of the heirs of Andrew Taylor, which was read the third and last time, passed, and ordered to be engrossed.

A bill to bring into one view the several acts of assembly relative to a correction of error in grants, in the conveyances, &c., &c., and to amend the same, was read, and a message sent to the house of representatives proposing sundry amendments thereto, and asking their concurrence.—In answer to which a message of concurrence was received from the house of representatives, and stating that they had appointed Messrs. Lowry and Frazier to see the amendments made. The bill was then amended and ordered to be engrossed.

A bill to amend the militia laws of this state was read, & on motion withdrawn by Mr. Stephen for amendment.

A bill to authorize commissioners to loan certain monies; was read, and on motion withdrawn by Mr. Foster for amendment.

A bill to increase the taxation on law suits.

And, a bill for taking an enumeration of the free male taxable inhabitants of this state, were read and rejected.

On the passage of the last named bill, the yeas and nays being called for, stood thus:

Yeas—Messrs. Foster, Harris, Shelby, Dew and Benton—5. Nays—Messrs. Brown, Harmon, Henderson, Harle, Sevier, Porter, Stephenson—7.

A bill to revive an act, entitled an act concerning divorces, passed 26th, October, 1779, was read the third and last time, passed, and ordered to be engrossed.

The house adjourned until to-morrow morning, 9 o'clock.

Tuesday, November 21st, 1809.

The house met according to adjournment.

Received from the house of representatives, a bill for the relief of Nathaniel Henderson, which was read and rejected.

A bill to authorise appeals to be granted from the first board of commissioners.

Mr. Foster returned a bill to authorise commissioners to loan certain monies, with a proposed amendment, to wit:

Sec. 2d. *Be it enacted*, That Thomas Crutcher, Duncan Stewart, John M'Nairy, James Winchester and William Tait, be, and they are hereby appointed commissioners for the purpose of loaning out to any person or persons, all the monies which now are or hereafter may be in the treasury of this state, belonging to Cumberland College, which said monies shall be loaned out at an interest not less than six per cent. per annum, for the use of said College, and the said commissioners shall, in loaning out the whole or any part of the money aforesaid, be subject to the same rules, regulations and restrictions, to which Thomas M'Corry, John Crozier and Thomas Emmerson are subject, in loaning out college money, by a law passed the 22d day of April, 1809, and the money aforesaid shall remain and at all times be subject to the disposition of any future Legislature.

Sec. 3d. *Be it enacted*, That it shall be the duty of the Treasurer of Washington and Hamilton Districts, to deposit in the hands of the Treasurer of Winchester, Mero and Robertson Districts, all the monies which now are, or hereafter may be in his hands, belonging to Cumberland College; so soon as the same can be collected, and it shall be the duty of the Treasurer of Winchester, Mero and Robertson Districts, to give bond and security to the governor for the time being, and his securities, in the penalty of dollars, for the true performance of his duty in faithfully accounting for all college monies that may come into his hands by virtue of this act, which securities shall be adjudged of by the two judges of the court of Errors and Appeals, and it shall be the duty of said judges to have such bond executed, and see the same safely transmitted to the secretary of state for safe keeping, which bond for a breach thereof shall be liable to be put in suit from time, until the whole penalty be recovered.

Sec. 4th. *Be it enacted*, That so much of any law as goes to authorise Thomas M'Corry, John Crozier and

Thomas Emmerfon, to loan out the whole or any part of the monies belonging to Cumberland College, be, and the same is hereby repealed—which amendment was read and received, and a message was sent to the house of representatives informing them thereof. On the reception of the amendment, the yeas and nays being called for stood thus:

Yeas—Messrs. Foster, Henderson, Harris, Shelby, Benton, Dew and the Speaker.

Nays—Messrs. Brown, Harmon, Harle, Sevier, Porter and Stephenson.

A message was sent to the house of representatives, proposing immediately to go into the election for circuit judges and judges of errors and appeals—and naming Messrs. Foster and Porter as tellers on the part of this house.

In answer to which a message was received, stating that they were ready to proceed to said election, and that they had appointed Messrs. Tipton and Smith as tellers on their part to act with the gentlemen on the part of this house.

Mr. Speaker and gentlemen of the senate then repaired to the representatives chamber for the above purpose—Whereupon, William Cocke and Samuel Powell, esquires, were put in nomination as candidates for circuit judge of the first circuit—when on counting the votes it was found that William Cocke, esq. had twenty and Samuel Powell, esq. nineteen votes. The house then proceeded to ballot for a judge for the second circuit—James Trimble and David Campbell, esquires, being put in nomination—on counting the votes it appeared that James Trimble, esquire, was unanimously elected. The house then proceeded to ballot for a judge for the third circuit—Nathaniel W. Williams, Esq. being put in nomination—and on counting the votes it was found that Nathaniel W. Williams, had thirty seven votes. The house then proceeded to ballot for a judge of the fourth circuit—Thomas Stuart being put in nomination—on counting the votes it was found that he was unanimously elected. The house then proceeded to ballot for a judge for the fifth circuit—Perry W. Humphreys, esq. being put in nomination—on counting the votes it was found that he was unanimously elected. The house then proceeded to ballot for two judges of the courts of errors and appeals—Hugh L. White and George W. Campbell, being put in nomination—on count-

ing the ballots it was found that Hugh L. White had thirty eight and George W. Campbell thirty nine votes. The speaker then declared in presence of both houses that William Cocke, James Trimble, Nathaniel W. Williams, Thomas Stuart and Parry W. Humphreys, Hugh L. White, and George W. Campbell, esquires, were duly and constitutionally elected to the appointments for which they were candidates. The speaker and gentlemen of the senate retired to the senate chamber.

A bill to provide for the payment of members, clerks and door keepers, of this general assembly.

And, a bill to establish academies in the counties of Maury, Giles, Lincoln and Bedford, were read the second time, amended and passed.

A bill to release John Dudley from a forfeited recognizance.

And, a bill to appropriate certain monies therein mentioned, were read the third time and passed.

A bill to authorize the division of land warrants and certificates issued for land, was read the third and last time, passed, and ordered to be engrossed.

A bill to repeal such acts making provision for the payment of jurors.

A bill for the relief of Stephen Montgomery.

A bill to repeal an act to amend the 21 section of an act directing the manner of correcting mistakes in surveys, passed the 29th of October, 1801.

A bill to authorize the transcribing of certain entries therein mentioned.

And, a bill to divide the militia of Sumner county, being the 15th regiment, into two separate brigades, were read and rejected.

A bill to regulate the time of holding the courts of pleas and quarter sessions in the different counties within this state, was read, and a message was sent to the house of representatives, proposing an amendment thereto.

The house adjourned until to-morrow morning 9 o'clock.

Wednesday, November 22d, 1809.

The house met according to adjournment.

Mr. Benton from the committee of enrollments, reported the following bill's correctly engrossed.

An act to authorize the court of Roane county to lay a

tax for the purpose of building a court-house and stocks, for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same.

An act extending further the right of preference to occupants.

An act for the relief of Joseph Irvine.

An act to authorise Conrad Pile to cut and open a road from Clear creek on the new turnpike road to intersect the leading road from S. W. Point to Carthage, at Gibson's.

An act to authorise the courts of the several counties in this state, to lay a tax for building or repairing the court-houses, prisons and stocks in their counties. An act to repeal the first and seventh sections of an act passed at Knoxville the 4th of December, 1807, entitled an act for providing for the election of commissioners in the town of Kingston and other purposes, and to appoint commissioners for the town aforesaid. An act for the relief of the heirs of

Andrew Taylor. An act to annex part of Dickson county to Humphreys county. An act to relieve such person or persons as are likely to be injured in their conveyances, powers of attorney, bills of sale, and bonds for the conveyance of real estate, which may require registration, &c. An act for the relief of William Acklin.

An act to authorise the register of the land-office of East Tennessee to issue grants to the citizens South of French Broad and Holston and for other purposes.

An act concerning jurors.

An act further to provide for the adjudication of land claims.

An act for the relief of executors and administrators.

An act for the relief of certain persons therein named.

An act to appoint additional trustees for the Rittenhouse & Bradley academies in the counties of Roane & Rutherford.

An act to establish academies in the counties of White, Warren, Franklin, Rhea, Bledsoe and Hickman, and for the appointment of trustees thereof.

An act to bring into one view the several acts of assembly, relative to the correction of error in grants, mesne conveyances, or bills of sale, and to amend the same.

An act to revive an act entitled an act concerning divorces, passed October 26th, 1799.

An act to annex part of Blount county to that of Sevier.

An act respecting sheriffs.

An act to repeal certain acts herein mentioned.

An act authorizing the register of West Tennessee to issue grants in certain cases.

An act to provide for certain debts due from the counties of Davidson and Williamson.

An act extending the relief granted by the laws of this state, in cases where the land called for in any grant is covered by better interfering titles.

An act for the encouragement of bringing books into this state.

An act for the relief of such persons as have or may suffer by their grants, deeds, or the conveyances, bills of sale, or other instruments of writing not being proven or registered within this state.

An act to authorize the drawing of a lottery for the benefit of East Tennessee college.

An act for reducing the limits of Warren county, & for appointing commissioners to purchase land, to lay out a town and to erect a court-house, prison and stocks in said county.

An act to authorize the county court of Williamson, to appropriate certain money.

An act to authorize Charles Newton to build a toll bridge across Haston river.

An act to release John Dudley from a forfeited recognizance.

An act to establish the permanent seat of justice in the county of Franklin.

And, an act to encourage the building of mills on Big Harpeth river in the counties of Davidson and Williamson — which were severally signed by the speaker of this house, and sent to the house of representatives.

Mr. Porter from the committee of propositions & grievances reported, that the petition of sundry citizens of White, Jackson and Overton counties, praying that a new county be taken off the above mentioned counties is unreasonable and should not be granted.

And that the committee having acted upon all petitions which have been referred to them, beg leave to be discharged from further duties during the present session.

Which report was concurred with and sent to the house of representatives.

Mr. Benton from the committee to whom was referred

the several communications of his excellency the governor reported that the committee have had under consideration the communication of the 9th inst. covering the copy of a letter from John Sevier, esquire, late governor of this state; and beg leave to recommend to the senate and house of representatives, the adoption of the following resolution—

Resolved by the general assembly of the state of Tennessee, That Willie Blount, esquire, be authorized to purchase for the use of the State of Tennessee, three thousand pounds wt. of Lead, & deposit the same in such parcels & in such places as in his judgment the welfare of the state may require. Also, that the said Willie Blount, esquire, be authorized to designate the place or places in which shall be deposited that part of the powder purchased as a magazine of this state by John Sevier, esquire, in pursuance of a resolution of the last general assembly, and which has not yet been delivered.

The committee would also recommend that the sum of seven hundred and fifty dollars be appropriated to John Sevier, esquire, as a remuneration to him for the sum by him expended in the purchase of 1500 wt. gun-powder, in pursuance of a resolve of the last general assembly, and that either of the treasurers of this state be authorized to pay that sum, so soon as the said John Sevier shall produce the receipt of the secretary of this state, for the delivery of the aforesaid quantity of powder.

Thomas H. Benton, Chairman.

Which report was concurred with by this house, except so far as respects the purchase of the lead, &c. and sent to the house of representatives.

The said committee also recommended the following resolution, to wit:—

Resolved by the general assembly of the state of Tennessee, That copies of the several communications of his excellency, dated 4th of Oct. 15th of Oct. and 30th of October, 1809, together with copies of the several letters covered by those communications, and a copy of this resolution be furnished by the executive of this state to the senators and representatives from this state, to the congress of the United States; and that the former be instructed and the latter be requested, to use their exertions with the proper authorities, to effect an accomplishment of the objects proposed in those communications: A message was

sent to the house of representatives informing them thereof and asking their concurrence.

Mr. Brown returned a bill to prolong the 34th section of the land law, passed 1807—which was read the third time and passed.

A bill to amend the militia laws of this state was read the third time amended and passed.

A message was sent to the house of representatives, proposing sundry amendments to the bill to authorize commissioners to loan certain monies—In answer to which a message of non-concurrence was received. A message was then sent, proposing another amendment to said bill. In answer to which a message of concurrence was received from the house of representatives—The bill was then read the third and last time, passed and ordered to be engrossed.

A message was sent to the house of representatives appointing Mr. Porter, on the part of this house, to make out an estimate of exp-ace of the legislature the 23d of this inst. inclusive. In answer to which a message was received concurring with the above, and naming Messrs. Gordon & Cocke to act with the committee of this house.

A bill to amend the militia laws of this state, was read the third time, amended and passed.

Mr. Sevier presented a petition of sundry citizens of Knox county, praying that the law suspending executions, may be suffered to expire—which was read, and sent to the house of representatives.

The following persons were appointed justices of the peace, by resolution of both houses.—For the counties, of

Robertson—Levi Noyes, John E. Turner, John B. Blackwell, Samuel Hollis, Sampson Matthews and Thomas R. Buller.

Dickson—Justice Ross, Joseph Wilson, James Dickson, Christopher Strong, John H. Stone, Cornelius Megraw.

Hickman—Hugh Ross and Robert Dean.

White—Edmund Harrison, William Glen, Arthur Neal, Joseph Franks.

Franklin—George Foster, Thomas Hargis, George Tubbs, James Sartin, Wm. M. Quisenbury and Richard Colaway.

Warren—William Lusk, Thomas Woods, Joseph Elledge, John Hammond and James M'Daniel.

Jackia.—Abraham Hollingsworth, Willroy Pate, Sa-

muel Hannah, Wm. Patterson and Sampson Williams.

Overtown—Wm. Hughlett, Thomas Arnett, Charles Matlock, Amos Richardson, Michael Hickry, John Rolins, David Williams, William Marchbanks, Erasmus Ford and Isaac Johnson.

Sumner—Charles Lewis, James Cowden, Elijah Simpson, James Guinn, Robt. Hamilton, William Dorris, (on the ridge) George Crocket, John Allen.

Smith—Charles M'Murry, Henry M'Whirter, Jeffee Lorance, Richard Baily, Samuel King, Benjamin Taylor, Andrew Greer, Thomas Goad, Daniel M'Auly, Jonathan B. Robertson, Mark R. Newell, Benjamin Burton and Thos. W. Causby.

Campbell—John Kinkaid, William King and Blackstone Cox.

Davidson—John Anderson, Elihu S. Hall, John Childress, jr. Jones Reed, Alexander Walker, William Anderson and John Goodrich.

Montgomery—James Blackwell, James Boyen, William E. Williams, Stephen Cocke, Joshua P. Vaughn, Barnard Duff, and Stephen Thomas.

Bledsoe—James Devers, Abraham Hamilton and John Thomas.

Roane—William Lamkins, Michael Baker and Hugh Francis.

Rhea—Robert Patterson, John Causby, Robert Gamble and John Burford.

Humphreys—John Alston, David H. Burton, Samuel Parker, Robert German, Charles Teas, Michael Dickson, Thomas Vincent, James Patterson, James Barfield, John White and Isaac Hamilton.

Stewart—Joseph Gray, junior.

Sullivan—Jacob Sturm, Wallace Willoughby, David Shaver, James P. Huitts, Joseph A. Brownlow and Peter E. N. y.

Knock—Samuel Swann, Robert Cannon, And'w. M. Lusk, John Baylis, John Reynolds, Christopher Johnson.

Rutherford—John Edwards, Daniel Nance, Anderson Nunn y, Luckett Davis, John Dickson, Robert M'Comes, James Gillespie.

Mount—J. H. Wallace, f. n. Robt. M'Culley.

Swier—Samuel Henry, Isaac Skulman.

Leach—Thomas L. Trotter, Wm. Smith, John Whit-

acre, Ten. Wm. Dickson, Wm. Roundtree, Wright Williams, Eli Garrett, Philip Koons, Henry Kelfoe, Robert Higgins, Samuel Barns, Littleton Duty, James Fuller, James Stallard, Jesse Woodruff, Ezekiel Norris, Nathaniel G. Pinston.

Carter—Lawson White and John Bogard.

Jefferson—James Ellis.

Washington—Jonathan Collum and John C Harris:

Wilson—John Young, Alex. Oustler, James Henderson, Deverix Wynne, James Davidson, John Alexander, Ebenezer Donaldson, Hanson Guin, Robert Moore, James S. Rolings, Abner Steed, James Foster & Richard Craddock.

Grainger—William Keith.

Claiborne—James Hodges, Thomas Anderson, (called little Thomas Anderson) James A. Perryman and Alexander Ritchie.

Williamson—Chas. Bayles, Archer Jordan, James Davis, Robt. M'Millan, George Tilman, John Hill, Jeremiah Burns and John Crawford.

Maurý—James Birmingham, Alexander George, James M. Lewis, Wm. Condin, Thomas Edwards, Andrew Kennedy, Alexander Cathy, John Hart, Samuel Johnson, and Nathaniel Willis.

Giles—Jacob Boyler, John Dickey, Somerset Moore, Charles Neely, Robert Steel, Nathaniel Moody, Benjamin Long, William Phillips, Thomas Westmoreland, David Porter and Maxamillian H. Buckhannon.

Bedford—Abraham Byler, Benjamin Sterrett, George Davidson, James Newil, George Tilman, John Woods, Francis Woods, John Drake, Elijah Parker, Rice Coffey, George Tilman, Joseph Steele and James M'Kislick.

Hawkins—William Cobb, Estridge Keener and David Byler..

In conformity to the order of the day, Mr. speaker and gentlemen of the senate repaired to the representatives chamber, for the purpose of electing solicitors general for the different circuits in this state. Messrs. Porter and Foster on the part of the senate, and Messrs. Tipton and Smith on the part of the house of representatives, superintended the balloting. The house proceeded to appoint a solicitor general for the first circuit—David Yearly and Jacob Peck, esqrs. being put in nomination—on counting

the votes, it appeared that David Yearlly had twenty one and Jacob Peck eighteen votes. The houses then proceeded to elect a solicitor general for the second circuit—William Kelly and William E. Parker were put in nomination—on counting the votes it was found that William Kelly had twenty-eight and William E. Parker eleven votes.—The houses then proceeded to appoint a solicitor general for the third circuit—John H. Bowen was elected without opposition. The houses then proceeded to the election of a solicitor general for the fourth circuit—William Williams and Alfred Balch were put in nomination—on counting the votes it was found that William Williams had eleven and Alfred Balch had twenty-seven votes. The houses then proceeded to elect a solicitor general for the fifth circuit—Whereupon George W. L. Marr was put in nomination, and elected without opposition. Whereupon the speaker, in presence of both houses, declared that David Yearlly, William Kelly, John H. Bowen, Alfred Balch and George W. L. Marr, were duly and constitutionally elected to the appointments for which they were candidates.

Mr. speaker and gentlemen of the senate returned to the senate chamber.

A bill to establish academies in the counties of Maury, Giles, Lincoln and Bedford, was read the third time, amended and passed.

A message was sent to the house of representatives, proposing sundry amendments to the bill to regulate the time of holding the courts of pleas and quarter sessions, &c. In answer to which a message of concurrence was received, and stating that they had appointed Messrs. Lowry and Fentress to see them made. The bill was then amended, read the third and last time, passed and ordered to be engrossed.

A bill to establish at Roddy's Ferry, on Powell's river, a place of inspection, and to build a Ware-house.

And, a bill concerning the delivery of property levied on by execution or attachment—were read the third and last time, passed, and ordered to be engrossed.

A bill to amend the land law, was read the second time and passed. On the passage thereof, the yeas and nays being called for, stood thus:

Yeas—Messrs. Hancock, Henderson, Harle, Harris,

Porter, Stephenson and the Speaker. Nays—Messrs. Brown, Foster, Sevier, Shelby, Dew and Benton.

A bill to provide for the adjudication of certain land claims, was read the second time and passed.

A bill supplemental to an act, entitled an act to establish circuit courts and a supreme court of errors and appeals, was taken up, and an amendment proposed by Mr. Brown, to wit: Be it enacted, that this act, together with the act to which this is a supplement, shall be suspended until the first day of October, 1811. On the question being put, shall the amendment be received? the yeas and nays being called for, were as follow :

Yeas—Messrs. Brown, Foster, Harmon, Harle, Sevier and Stephenson. Nays—Messrs. Henderson, Harris, Porter, Shelby, Dew, Benton and the Speaker.

The bill was then read the third time and passed.

The house adjourned until to-morrow morning 9 o'clock.

Thursday, November 23rd, 1809.

The house met according to adjournment.

Mr. Benton from the committee of enrollments reported the following bills as correctly engrossed, to wit :

An act to authorize commissioners to loan certain moneys. An act to regulate the time of holding the courts of pleas and quarter sessions in the different counties within this state. An act concerning the delivery of property levied on by execution or attachment. An act to authorize the division of warrants and certificates issued for land. An act to establish at Roddy's Ferry, on Powell's river, in Claiborne county, a place of public inspection. An act for opening a turnpike road from White court-house, to intersect the road leading from South West Point to Carthage; at Daddy's creek, so as to pass by the Reviewers Camp on the Caney Fork. An act to authorize a separate election to be held in the county of Warren. An act directing the purposes to which the money arising from the sale of lots in Fayetteville, Lincoln county, shall be appropriated. An act to fix on seats of justice in the counties of Rhea and Bledsoe, and for the appointment of commissioners to superintend the same. An act to establish academies in the counties of Maury, Giles, Lincoln, Bedford and Humphreys. An act to amend the thirty-fourth

fection of the land law, passed in the year 1807. An act to prohibit the Registers of the Land Office for East and West Tennessee, or either of them, from issuing a grant or grants to Thomas Dillon, his assignee or assignees, on a certificate issued to said Dillon by the commissioner for West Tennessee, from a grant of No. 346, obtained in the name of Stockley Donelson. An act concerning executions.— And, an act to provide for the adjudication of certain claims.—Which acts were severally signed by the speaker of this house, and sent to the house of representatives.

A message was sent to the house of representatives, proposing sundry amendments to the resolution appointing justices of the peace. In answer to which a message of non-concurrence was received.

On motion a message was sent to the house of representatives, insisting that John Goodrich be appointed a justice of the peace for Davidson county—and also nominating David Byler for a justice of the peace in Hawkins county, and asking their concurrence. In answer to which a message of concurrence was received.

Received a message proposing sundry amendments to a bill to appropriate certain monies therein mentioned, which was non-concurred by this house, and a message was sent to the house of representatives, informing them thereof.

A bill to amend the land law, was read the third time and rejected.

A bill to authorize the commissioner of West Tennessee to issue a duplicate land warrant for 182 acres, to Richard Banks, was read and rejected.

A message was received from the house of representatives, containing a resolution that Knoxville continue to be the seat of government until otherwise provided for by law—which was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

A bill for dividing the sixteenth regiment of militia into two separate and distinct regiments, was read and rejected.

Mr. Foster offered a resolution that the public printer be directed to print 400 copies of the law concerning executions, provided the same can be accomplished by seven o'clock to-morrow morning—which was concurred with,

and a message sent to the house of representatives informing them thereof, and asking their concurrence. In answer to which a message of concurrence was received from the house of representatives.

A bill to divide the 4th brigade into two separate and distinct brigades, was read and rejected.

A message was sent to the house of representatives proposing sundry amendments to the bill to amend an act entitled an act to authorise executors, administrators and sheriffs, to make conveyances, passed Sept. 1794. In answer to which a message of non-concurrence was received from the house of representatives. The bill was then rejected.

A bill to grant appeals from the first board of commissioners to the persons therein named, was read and rejected.

Mr. Brown presented to the house an address to the president of the United States, which was adopted in lieu of the address to the president, &c. adopted by the house of representatives. A message was sent informing them thereof, and asking their concurrence.

A bill to provide for the payment of the members, clerks and door-keepers, of the present general assembly, was read, and on the passage of the bill, the yeas and nays being called for, were as follow :

Yeas—Messrs. Brown, Harmon, Henderson, Harle, Harris, Sevier, Porter and Stephens. Nays—Messrs. Foster, Shelby and Benton.

A resolution was adopted, that John Bright be requested to take charge of the tables, chairs, ink-stands, &c. belonging to the Legislature, and keep the same until called for by the general assembly of this state.

Mr. Benton from the committee of enrollments, reported a bill to provide for the payment of the members, clerks, and door-keepers of the present general assembly, as correctly engrossed. The said act was then signed by the speaker of this house, & sent to the house of representatives.

Received from the house of representatives a message, accompanied by a resolution, that the chief clerks of the Legislature collect such books as were purchased for the present session, and deposit them with the secretary of state for the use of future Legislatures—which was concurred with by this house, and a message was sent to the house of representatives informing them thereof.

Resolved That the Speaker of this house deserves well of his country, and is entitled to the thanks of the Legislature for the prompt and dignified manner in which he has discharged the duties of his appointment.

Fellow Citizens, Members of the Senate,

I am now called upon to announce the adjournment of this body without day, in doing which I cannot forbear expressing that high sense of honor and satisfaction which has become the result of occupying that dignified station you was pleased to assign to me; and gentlemen, in taking my leave of you at this time (which in possibility may be the last) I tender each of you an affectionate farewell, and ask you to accept my sincere desire that you may find your families and friends in the perfect enjoyment of health and prosperity.

Received from the house of representatives, a message informing this house that they were ready to adjourn without day. In answer to which a message was sent to the house of representatives informing them that this house was also ready to adjourn without day.

JOSEPH M'MINN,

Speaker of the Senate.

Attest—JOS. M. ANDERSON,

Clerk of the Senate.

An estimate of the pay of the members, clerks and door-keepers of the first session of the eighth general assembly of the State of Tennessee, began and held at Knoxville on the 18th of September, and ending on the 23d of November, 1809.

<i>Names.</i>	<i>days</i>	<i>miles</i>	<i>dolls.</i>	<i>cents</i>
Joseph M'Minn,	67	180	185	50
William Brown,	67	32	175	70
Robert C. Foster,	67	420	209	50
John Harmon,	67	150	182	50
Thomas Henderson,	67	100	177	50
Baldwin Harle,	67	90	176	50
Thomas K. Harris,	67	300	197	50
John Sevier,	67		167	50
John Shelby,	67	480	215	50
James P. H. Porter,	67	50	172	50
John Dew,	67	400	207	50
Thomas H. Benton,	67	400	207	50
Matthew Stephepson,	67	180	185	50
Joseph Dickson,	67	350	202	50
Hugh Barton,	67	40	171	50
John Lowry,	67	32	170	75
Nathaniel Taylor,	67	230	190	50
William Lillard,	67	120	179	50
William Graham,	67	100	177	50
Thomas Williamson,	67	400	207	50
John Cocke,	67	66	174	
Robert Guinn,	67	150	182	50
William Young,	67	170	184	50
John Crawford,	67	225	190	
Bird Smith,	67	240	191	30
John Seahorn,	67	70	174	50
Julian Frazier,	67	20	169	50
John M'Campbell,	67		167	50
James Fentress,	67	500	217	50
John Coleman,	67	400	207	50
John Tipton,	67	240	191	50
John Phagan,	67	240	191	50
Hopkins Lacey,	67	25	170	
John Gordon,	67	300	197	50
John Hawkins,	67	325	200	

	days	miles	dolls.	cents
Isaac Walton,	67	374	205	
Andrew Hanna,	67	200	187	50
William Frierfon,	67	460	213	50
Joseph Johnson,	67	340	201	50
Joseph M. Anderson, P. Clerk to Senate,	67		301	50
The same for stationary, books, &c.			105	15
Luke Lea, A. Clerk to senate,	67		301	50
Jacob Peck, P. Clerk to H. Rep.	67		301	50
The same for stationary, books, &c.			160	
Alexander M. Nelson, A. Clk. H. R.	67		301	50
Pryor Lea, for engrossing,			35	
John Bright, door-keeper of the senate,	67		167	50
The same for fuel and sundry other articles furnished the Genl. Assembly,			51	
John Rhea, door-keeper of the H. Rep.	67		167	50
The same for fuel, candles, and other articles furnished the general assembly,			22	
Andrew Rhea, A. door-keeper H. R. p.			50	

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